HADLEIGH INFANT & NURSERY SCHOOL

Consent Procedure

2021-2022

Version	**2**
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Other contributors	**IGS**
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Other related policies	**Data Protection Policy** **Security Incident Policy** **Data Handling Security Policy** **Acceptable Personal Use Policy** **HINS Retention Policy** **Privacy Notice** **Complaints Policy**
Other paperwork attached	

Roles within the school

Data Protection Officer (DPO) - Ms. L. Almond

Senior Information Risk Owner (SIRO) - Mr. S. Proctor

Information Champion (IC) - Mrs. A. Cain

Information Governance Governor - Mr. I. Holroyd

1. Introduction

1.1. This procedure is intended to support the organisation when relying on consent as the legal basis for processing.

2. Quick Guide

- Only use consent as your legal basis where no other legal basis is appropriate
- Ensure that you have a specific consent form for each use of personal data
- Ensure all consent forms carry a hyperlink to your online privacy notice
- Ensure that your privacy notice references the use of personal data you are seeking consent for
- Retain the consent forms on the relevant file
- Carefully consider how often you need to refresh the consent – this will be based on the sensitivity of the personal data you are collecting and its proposed use
- If the processing is high risk ensure you have completed a Data Protection Impact Assessment
- Make sure it is as easy to withdraw consent as it is to give consent

3. Policy References

3.1. This procedure is a requirement of the following policies:

- Data Protection Policy

4. Consent Procedure

4.1. We are encouraged to not rely on consent. The public sector is deemed to have sufficient statutory powers to satisfy other conditions available under Data Protection law to justify processing personal data without the need to rely on consent. However, if activities requiring the processing of personal data are identified as valid but a legal condition cannot be applied other than consent then the following should be in place:

4.2. A Privacy Impact Assessment should be undertaken to approve the use of consent for the proposed processing (A Data Protection Impact Assessment in the event of 'high risk' processing).

4.3. When obtaining the consent of the Data Subject, we will need to ensure that we have the capability to produce, on request, documented (and standalone) evidence that an individual has consented to the processing. Therefore consent must be recorded and the evidence retained as a record for as long as the data obtained through consent is being processed.

4.4. Consents will last for the duration of the Educational 'Key Stage' as a definition of a reasonable time period. Parents/ Guardians will be asked ahead of the end of a period to reconfirm their consent. If they do not respond then we must assume that they no longer wish to give consent.

Key Stage 1 – Primary Reception, Year One & Year Two (Ages 5 – 7)

4.5. We must ensure that where consent is being relied upon, there is a process in place to capture requests from Data Subjects to withdraw their consent and for us to no longer process their personal data for the purpose(s) explained on the relevant privacy notice which supported obtaining the consent.

4.5.1. In such cases, expressions of wishes to withdraw consent must be directed as soon as possible to the employee responsible for the process.

4.5.2. A decision must be made on the legal validity of continuing to process personal data obtained or created prior to receiving the withdrawal of consent.

4.5.3. Where there is doubt about the Data Subject's intentions, there clarification should be sought over whether they wish to exercise other rights in respect of data processed under consent prior to receipt of the withdrawal.

4.5.4. If a 'suppression list' is in operation, the Data Subject's withdrawal of consent must be managed in the relevant suppression list to ensure that future contact with the Data Subjects is in line with their wishes where consent is the condition for processing.

4.5.5. Where consent is relied upon as the condition for processing, its validity depends on satisfying all the criteria below:

4.5.5.1. ***It must be freely given***. The Data Subject must have a genuine choice whether or not to provide their personal data. For example, if a service vital to their health or wellbeing will not be provided unless personal data is supplied, then there is a balance of power in favour of the Data Controller where the Data Subject is compelled to provide data. This cannot be said to be consent freely given.

4.5.5.2. ***It must be well-informed***. The Data Subject must be in receipt of all the necessary facts meeting their legal right to be informed about prospective processing of their personal data. This information should be provided to them via a Privacy Notice which is compliant with the law. The detail on the Notice will therefore ensure that the Data Subject has all the facts at their disposal to make a well-informed decision about whether they are comfortable providing personal data under the specified conditions.

4.5.5.3. ***It must be clearly expressed***. The Data Subject's recorded consent must stand as a record evidencing that consent was given. This record must therefore include a form of identifiable written, electronically verifiable or recorded verbal record which can be dated. It must be associated with having read and understood the Privacy Notice and must be correctly linked to the correct version of the Privacy Notices current at the time of initially providing consent and when consent was refreshed. The most efficient way of doing so is to combine a Consent Form with a Privacy Notice and retain as records for the duration of the processing activity.

4.5.6. Where consent is sought from Children over the age of 13, the requirements of section 3.4.5 will need to additionally evidence that the Privacy Notice was intelligible to the typical age of maturity and capacity of the Data Subject. Where the child is under 13, processes for obtaining parental consent/ authorisation will need to be in place.

In the event that consent is withdrawn, we will take the following steps:

- Inform the class teacher
- Update SIMS
- Update and print list in office
- Review school website
- Inform parent of the above steps

5. Advice and Support

5.1. If you have any issues over the clarity of these procedures, how they should be applied in practice, require advice about exemptions from the requirements or have any suggestions for amendments, please contact the school office.

6. Breach Statement

6.1. A breach of this procedure is a breach of Information Policy. Breaches will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.

Annex A - Withdrawing Consent

Withdrawing Consent

During the duration that your child attends Hadleigh Infants and Nursery School, the school may ask for your consent linked to a range of situations.

Below is a list of examples where we may ask for you to provide consent:

- Creation, storing and using photos of your child;
- Creation, storing and using videos of your child;
- To complete experiences in and out of school;
- To take part in local events or trips;
- To use and access online learning platforms such as SeeSaw.

If you have provided consent but would like to withdraw this consent, you can contact the school using any of the details below.

- Phone - 01702 55 79 79
- Email - admin@hadleigh-inf.essex.sch.uk
- In writing - Addressed to Mr S Proctor
- Via the school's SeeSaw App
- Discussing this in person with a teacher, member of the Senior Leadership Team or admin staff.

Parents can choose to withdraw consent at any point.