

Data Protection Impact Assessment (Cloud)

Cloud computing is a method for delivering information technology (IT) services in which resources are retrieved from the Internet through web-based tools and applications, as opposed to a direct connection to a server at the school. **Greenfield Primary School** operates a cloud based system. As such **Greenfield Primary School** must consider the privacy implications of such a system.

The Data Protection Impact Assessment is a systematic process for identifying and addressing privacy issues and considers the future consequences for privacy of a current or proposed action.

Greenfield Primary School recognises that moving to a cloud service provider has a number of implications. **Greenfield Primary School** recognises the need to have a good overview of its data information flow.

The Data Protection Impact Assessment looks at the wider context of privacy taking into account Data Protection Law and the Human Rights Act. It considers the need for a cloud based system and the impact it may have on individual privacy.

The school needs to know where the data is stored, how it can be transferred and what access possibilities the school has to its data. The location of the cloud is important to determine applicable law. The school will need to satisfy its responsibilities in determining whether the security measures the cloud provider has taken are sufficient, and that the rights of the data subject under the GDPR is satisfied by the school.

Greenfield Primary School aims to undertake this Data Protection Impact Assessment on an annual basis.

A Data Protection Impact Assessment will typically consist of the following key steps:

1. Identify the need for a DPIA.
2. Describe the information flow.
3. Identify data protection and related risks.

4. Identify data protection solutions to reduce or eliminate the risks.
5. Sign off the outcomes of the DPIA.

Step 1: Identify the need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

What is the aim of the project? – To help deliver a cost effective solution to meet the needs of the business. The cloud based system will improve accessibility and ensure information security when working remotely.

Greenfield Primary School will undertake the following processes:

1. Collecting personal data
2. Recording and organizing personal data
3. Structuring and storing personal data
4. Copying personal data
5. Retrieving personal data
6. Deleting personal data

By opting for a cloud based solution the school aims to achieve the following:

1. Scaleability
2. Reliability
3. Resilience
4. Delivery at a potentially lower cost
5. Supports mobile access to data securely
6. Update of documents in real time
7. Good working practice, i.e. secure access to sensitive files

The school currently has its personal data stored locally via dedicated services held on site. Personal data is accessible via servers to desk top computers. The information is held securely with personal data backed up from all the drives every 24 hours. The network is only accessible through dedicated password linked to individual members of staff.

Cloud based systems enable the school to upload documents, photos, videos, and other files to a website to share with others or to act as a backup copy. These files can then be accessed from any location or any type of device (laptop, mobile phone, tablet, etc).

The cloud service provider cannot do anything with the school's data unless they have been instructed by the school. The schools Privacy Notice will be updated especially with reference to the storing of pupil and workforce data in the cloud.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

The Privacy Notices (pupil and workforce) for the school provides the legitimate basis of why the school collects data.

How will you collect, use, store and delete data? – The information collected by the school is retained on the school’s computer systems and in paper files. The information is retained according to the school’s Data Retention Policy.

What is the source of the data? – Pupil information is collected via registration forms when pupils join the school, pupil update forms the school issue at the start of the year, Common Transfer File (CTF) or secure file transfer from previous schools. Pupil information also includes classroom work, assessments and reports. Workforce information is collected through application forms, CVs or resumes; information obtained from identity documents, forms completed at the start of employment, correspondence, interviews, meetings and assessments.

Will you be sharing data with anyone? – **Greenfield Primary School** routinely shares pupil information with relevant staff within the school, schools that the pupil attends after leaving, the Local Authority, the Department for Education, Health Services, Learning Support Services, RM Integris and various third party Information Society Services applications.

Greenfield Primary School routinely shares workforce information internally with people responsible for HR and recruitment (including payroll), senior staff, with the Local Authority, and the Department for Education.

What types of processing identified as likely high risk are involved? – Transferring ‘special category’ data from the school to the cloud. Storage of personal and ‘special category’ data in the Cloud

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

What is the nature of the data? – Pupil data relates to personal identifiers and contacts (such as name, unique pupil number, contact details and address). Characteristics (such as ethnicity, language, nationality, gender, religion, data of birth, country of birth, free school meal eligibility). Special education needs, safeguarding information, medical and administration (doctors information, child health, dental health, allergies, medication and dietary requirements). Attendance information, assessment, attainment and behavioral information. The school also obtains data on parents/guardians/carers including their name, address, telephone number and e-mail address.

Workforce data relates to personal information (such as name, address and contact details, employee or teacher number, bank details, national insurance number, marital status, next of kin, dependents and emergency contacts). Special categories of data (such as gender, age, ethnic group). Contract information (such as start dates, terms and conditions of employment, hours worked, post, roles and salary information, pensions, nationality and entitlement to work in the UK). Work absence information, information about criminal records, details of any disciplinary or grievance procedures. Assessments of performance (such as appraisals, performance reviews, ratings, performance improvement plans and related correspondence). Information about medical or health conditions.

Special Category data? – Some of the personal data collected falls under the GDPR special category data. This includes race; ethnic origin; religion; biometrics; and health. These may be contained in the Single Central Record, RM Integris, child safeguarding files, SEN reports, etc.

How much data is collected and used and how often? – Personal data is collected for all pupils. Additionally personal data is also held respecting the school's workforce, Board of Governors, Volunteers, and Contractors. Data relating to sports coaches and other educational specialist is contained within the Single Central Record to ensure health and safety and safeguarding within the school.

How long will you keep the data for? – Consider the data retention period as outlined in the IRMS Information Management Toolkit for Schools

Scope of data obtained? – How many individuals are affected (pupils, workforce, governors, volunteers)? And what is the geographical area covered? Year 1 to Year 6 pupils 240, workforce 40, Board of Governors 8, and Volunteers 1, and any other, i.e. contractors, education specialists 10.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

The school provides education to its students with staff delivering the National Curriculum

What is the nature of your relationship with the individuals? – Greenfield Primary School collects and processes personal data relating to its pupils and employees to manage the parent/pupil and employment relationship.

Through the Privacy Notice (pupil/workforce) **Greenfield Primary School** is committed to being transparent about how it collects and uses data and to meeting its data protection obligation.

How much control will they have? – Access to the files will be controlled by username and password. Cloud Service provider is hosting the data and will not be accessing it.

The school will be able to upload personal data from its PC for the data to be stored remotely by a service provider. Any changes made to files are automatically copied across and immediately accessible from other devices the school may have.

Do they include children or other vulnerable groups? – Some of the data may include special category data such as child safeguarding records, RM Integris, SEN records, Single Central Record. The cloud service provider may provide access controls to the files. For example, files designated as private – only you can access the files; public – everyone can view the files without any restriction; and shared – only people you invite can view the files.

Are there prior concerns over this type of processing or security flaws? – Does the cloud provider store the information in an encrypted format? What is the method of file transfer? For example, the most secure way to transfer is to encrypt the data before it leaves the computer. Encryption does have its limitations inasmuch as the encryption key will need to be shared with others to access the data.

Greenfield Primary School recognises that moving to a cloud based solution raises a number of General Data Protection Regulations issues as follows:

- **ISSUE:** The cloud based solution will be storing personal data including sensitive information
RISK: There is a risk of uncontrolled distribution of information to third parties.
MITIGATING ACTION: Consider the use of an authentication process, for example, using a username and password system, cloud users must each have their own accounts

- **ISSUE:** Transfer of data between the school and the cloud
RISK: Risk of compromise and unlawful access when personal data is transferred.
MITIGATING ACTION: Encryption ensures data 'in transit' between endpoints should

be secure and protection from interception. This can be achieved by using an encrypted protocol or other secure methods

- **ISSUE:** Understanding the cloud based solution chosen where data processing/storage premises are shared?
RISK: The potential of information leakage.
MITIGATING ACTION: It may be appropriate for the school to consider the use of encryption on data 'at rest,' i.e. when stored in the cloud service. This will be an important consideration when sensitive data is being processed
- **ISSUE:** Cloud solution and the geographical location of where the data is stored
RISK: Within the EU, the physical location of the cloud is a decisive factor to determine which privacy rules apply. However, in other areas other regulations may apply which may not be Data Protection Law compliant
MITIGATING ACTION: To determine the privacy rules which apply based on the location of the cloud
- **ISSUE:** Cloud Service Provider and privacy commitments respecting personal data, i.e. the rights of data subjects
RISK: GDPR non-compliance
MITIGATING ACTION: It is advisable that the school tailor any contract to incorporate these privacy commitments
- **ISSUE:** Implementing data retention effectively in the cloud
RISK: GDPR non-compliance
MITIGATING ACTION: School to take into consideration backups and if the data is stored in multiple locations and the ability to remove the data in its entirety
- **ISSUE:** Responding to a data breach
RISK: GDPR non-compliance
MITIGATING ACTION: The school will recognize the need to define in their contract a breach event and procedures for notifying the school and the school managing it
- **ISSUE:** No deal Brexit.
RISK: GDPR non-compliance.
MITIGATING ACTION: What does the third party processor intend to do to allow data processing in the UK to remain compliant.

- **ISSUE:** Subject Access Requests
RISK: The school must be able to retrieve the data in a structured format to provide the information to the data subject
MITIGATING ACTION: Providers will need to provide the technical capability to ensure the school can comply with a data subject access requests. This may be included as part of the contract

- **ISSUE:** Data Ownership
RISK: GDPR non-compliance
MITIGATING ACTION: The school must maintain ownership of the data and this should be included in the contract

- **ISSUE:** Cloud Architecture
RISK: The school needs to familiarise itself with the underlying technologies the cloud provider uses and the implications these technologies have on security safeguards and protection of the personal data stored in the cloud.
MITIGATING ACTION: This should be monitored to address any changes in technology and its impact on data. The school should maintain ownership of the Cloud technologies used ensuring the current and future technologies enable GDPR compliance

- **ISSUE:** Security of Privacy
RISK: GDPR non-compliance
MITIGATING ACTION: The school must assess what kind of security and privacy measures are in place. Cloud providers can demonstrate compliance through a DPIA, being ISO 27001 certified, etc

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

The school moving to a cloud based solution will realise the following benefits:

- Scalability
- Reliability
- Resilience
- Delivery at a potentially lower cost
- Supports mobile access to data securely
- Update of documents in real time
- Good working practice, i.e. secure access to sensitive files

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

The views of senior leadership team and the Board of Governors will be obtained. Once reviewed the views of stakeholders will be taken into account

The view of YourIG has also been engaged to ensure Data Protection Law compliance

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

The lawful basis for processing personal data is contained in the school's Privacy Notice (Pupil and Workforce). The Legitimate basis includes the following:

- Childcare Act 2006 (Section 40 (2)(a))
- The Education Reform Act 1988
- Further and Higher Education Act 1992,
- Education Act 1994; 1998; 2002; 2005; 2011
- Health and Safety at Work Act
- Safeguarding Vulnerable Groups Act
- Working together to Safeguard Children Guidelines (DfE)

The school has a Subject Access Request procedure in place to ensure compliance with Data Protection Law

The cloud based solution will enable the school to uphold the rights of the data subject? The right to be informed; the right of access; the right of rectification; the right to erasure; the right to restrict processing; the right to data portability; the right to object; and the right not to be subject to automated decision-making?

The school will continue to be compliant with its Data Protection Policy

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
<p>Data transfer; data could be compromised</p> <p>Asset protection and resilience</p> <p>Data Breaches</p> <p>No deal Brexit</p> <p>Subject Access Request</p> <p>Data Retention</p>	<p>Remote, possible or probable</p> <p>Possible</p> <p>Possible</p> <p>Possible</p> <p>Possible</p> <p>Probable</p> <p>Probable</p>	<p>Minimal, significant or severe</p> <p>Severe</p> <p>Significant</p> <p>Significant</p> <p>Significant</p> <p>Significant</p> <p>Significant</p>	<p>Low, medium or high</p> <p>Medium</p> <p>Medium</p> <p>Medium</p> <p>Medium</p> <p>Medium</p> <p>Medium</p>

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
		Eliminated reduced accepted	Low medium high	Yes/no
Data Transfer	Secure network, end to end encryption	Reduced	Medium	Yes
Asset protection & resilience	Data Centre in EU, Certified, Penetration Testing and Audit	Reduced	Medium	Yes
Data Breaches	Documented in contract and owned by school	Reduced	Low	Yes
No deal Brexit	Contingency plans in place	Reduced	Low	Yes
Subject Access Request	Technical capability to satisfy data subject access request	Reduced	Low	Yes
Data Retention	Implementing school data retention periods in the cloud	Reduced	Low	Yes

Step 7: Sign off and record outcomes

Item	Name/date	Notes
Measures approved by:	Claire Stylianides	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:	Claire Stylianides	If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	Yes	DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice:		
DPO advice accepted or overruled by:	Yes	If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		

This DPIA will kept under review by:	Claire Felton	The DPO should also review ongoing compliance with DPIA
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