

RAISING THE STANDARD

ABLS Briefing Note

December 2017

Changes to Data Protection

From May 2018, organisations based in the EU will be expected to manage personal data differently. The legislative change is called the General Data Protection Regulation (GDPR). The regulation seeks to bring greater harmony to EU and national laws regarding data protection and will be introduced prior to Brexit.

Most of the principles remain the same but there are increased responsibilities for data processors and how organisations explain how they will process personal data. There is also a requirement to plan for activity in response to any data breach.

Consent to handle data must be explicitly requested and evidenced with parental authorisation necessary for any individuals under 16 years old. Individuals have greater rights as well, particularly around the 'right to be forgotten'.

There are stricter requirements for large organisations but the changes apply to small businesses and sole traders as well.

How to prepare your school

The GDPR changes are a good opportunity to review how data is handled in the organisation. The person responsible for statutory or company performance should first familiarise themselves with the requirements and ensure they have identified the correct requirements for their size of organisation.

A particularly useful resource is the Information Commissioner's Office's website in highlighting key areas to consider. Running process reviews with admissions staff will help colleagues identify gaps in processes and indicate areas which need more consideration.

How to advise and train staff

Schools are recommended to brief all staff on the company's responsibilities and use the GDPR changes as an opportunity to review the legislation in relation to the actual systems in the school.

It's good to source questions from across the team to ensure everyone is thinking about how data should be managed correctly. Managers should be confident in the face of queries - collating them and speaking to the ICO's new Small Organisations Advice Team on 0303 123 1113 (opt.4).

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"When it comes to data protection, small businesses tend to be less well prepared. They have less to invest in getting it right. They don't have compliance teams or data protection officers.

But small organisations often process a lot of personal data, and the reputation and liability risks are just as real."

Elizabeth Denham
Information Commissioner
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Relevant ABLs Criteria

Only one criterion with the ABLs Standard directly relates to the Information Commissioner. That is 1.2.9 *The Organisation is registered for data protection*. There is no expectation that registration guidelines will change, however the new GDPR legislation is likely to mean ABLs will develop the wording of this criterion in the 2019 Accreditation Handbook (applicable from January 2019) to reflect the increased responsibility for data management. Until then, this criterion will remain unchanged.

It is important to note that other criteria rely on good data management. Section 3 includes Employment Documentation criteria relating to suitable acceptance and retention of evidence of staff suitability. The section also includes the Student Administration and Records criteria which requires robust systems for administration of visa and EU nationals. It is also important to note the data required to support good practice in student welfare management in sections 6 and 7 of the ABLs Standard.

All these areas may require schools to consider how data is requested, accepted and stored. Appropriate methods and storage should be applied and inadequate planning in any of these areas may affect inspection outcomes.

View from the Inspectorate

The two key requirements of any school from a data management perspective are:

- ICO registration to handle personal data
- Good systems for storing, protecting and analysing data

Inspectors will assess systems and records to understand the student lifecycle through a school (from first contact, booking, testing, teaching, etc). The availability of simple databases and webforms mean digital records are far more commonplace and more efficient for good school management. Paper systems are still acceptable to inspectors but schools are expected to evidence how data will be protected and efficiently distributed to people who need to use or access it.

Inspectors will be particularly interested in how schools manage data transfer to third parties, such as homestays, where personal data may be necessary in managing student welfare. The same may be true of organisations that share data with activity providers, transfer companies or recruitment agents.

Useful links

Click on the following organisations to receive further advice on this area:

- [The Information Commissioner's Office](#)
- [ICO Education section](#)
- [ICO Small Business](#)
- [Federation of Small Businesses](#)
- [Independent Schools' Council](#)

The ABLs Briefing Notes are designed to help schools consider how to improve school management and access useful links. ABLs cannot accept any responsibility for third party information however and schools are encouraged to critically review all materials and advice.

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