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Personal data & Privacy

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The law

- Legge 675/96 e DPR 318/99
- D.M. 28/11/2000 – Cod. di comportamento dei dip. P.A.
- D.Lgs 30/06/2003 N.196 e DIR 2002/58/CE
- D.M. 7/12/2006 N. 305 (MPI)
- Provvedimenti del Garante per la prot. dei dati pers.
- C.M. (specifiche) del MIUR / MPI

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The law

- **GDPR** (General Data Protection Regulation)n. 2016/679 European Union

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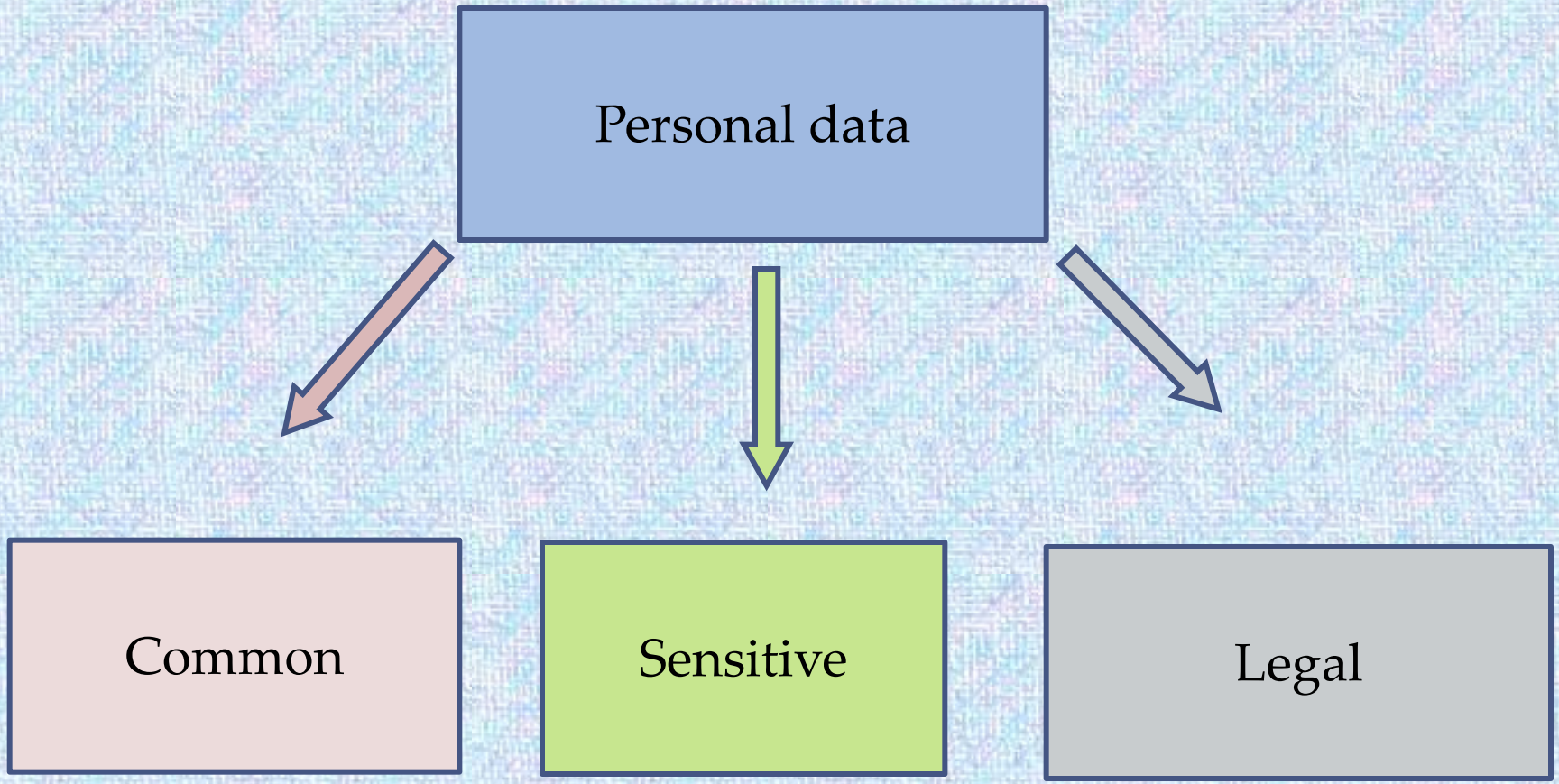
Personal data



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Personal data

Personal data comprises any information that can help identify a person or their family. In school records, this would be their name, their address, their contact details, their disciplinary records, as well as their marks and progress reports. This sort of data remains "personal" even if an individual chooses to publicise it.

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Personal data

A special category of data touches on more sensitive topics. Where schools are concerned, this includes students' biometric data (e.g. fingerprints, photos), religious beliefs (e.g. a student's opting out of religion class), health (e.g. allergies) or dietary requirements (which may hint at their religion or health).

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Personal data

Data in this category may pose a risk to people and hence can only be processed under certain conditions. Schools likely won't be able to use it without parental consent.

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Common data

Personal identification data (or Common) are personal data that allow direct identification of interested party:

- Identification data (personal);
- Availability data(residency, domicile, phone number, e-mail, …);
- Bank & income data

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Legal data

Personal data that reveal Judicial proceeding

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Data Processing

Processing is any operation about:

Collection
Recording
Organization
Storing
Consultation
Processing
Modification
Selection
Extraction

Comparison
Use
Interconnection
Block
Communication
Diffusion
Erasure
Destruction

Of data also if they are not stored in a data bank

Controller & processor

The school will typically be the "controller", so it has to secure a clear contract with the "processor". A processor can take various forms: from a photographer to a shredding company, an online learning platform, or a piece of software. Any operation these entities perform on data counts as processing, even if it's automated: collecting it, storing it, retrieving it, destroying it, etc.

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Tasks

You must have a valid lawful basis in order to process personal data.

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Tasks

There are six available lawful bases for processing.
No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on your purpose and relationship with the individual.

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Tasks

Most lawful bases require that processing is 'necessary' for a specific purpose. If you can reasonably achieve the same purpose without the processing, you won't have a lawful basis.

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Tasks

You must determine your lawful basis before you begin processing, and you should document it.

Take care to get it right first time - you should not swap to a different lawful basis at a later date without good reason. In particular, you cannot usually swap from consent to a different basis.

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Tasks

Your privacy notice should include your lawful basis for processing as well as the purposes of the processing.

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Tasks

If your purposes change, you may be able to continue processing under the original lawful basis if your new purpose is compatible with your initial purpose (unless your original lawful basis was consent).

Tasks

If you are processing special category data you need to identify both a lawful basis for general processing and an additional condition for processing this type of data.

Tasks

If you are processing criminal conviction data or data about offences you need to identify both a lawful basis for general processing and an additional condition for processing this type of data.

Figures & tasks

Legitimate interests is the most flexible lawful basis for processing, but you cannot assume it will always be the most appropriate.
It is likely to be most appropriate where you use people's data in ways they would reasonably expect and which have a minimal privacy impact, or where there is a compelling justification for the processing.

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Figures & tasks

If you choose to rely on legitimate interests, you are taking on extra responsibility for considering and protecting people's rights and interests.

Public authorities can only rely on legitimate interests if they are processing for a legitimate reason other than performing their tasks as a public authority.

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Figures & tasks

There are three elements to the legitimate interests basis. It helps to think of this as a three-part test.

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Figures & tasks

You need to:

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Figures & tasks

1) identify a legitimate interest.

show that the processing is necessary to achieve it; and

balance it against the individual's interests, rights and freedoms.

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Figures & tasks

The legitimate interests can be your own interests or the interests of third parties. They can include commercial interests, individual interests or broader societal benefits. The processing must be necessary. If you can reasonably achieve the same result in another less intrusive way, legitimate interests will not apply.

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Figures & tasks

2) balance interests against the individual's.

If they would not reasonably expect the processing, or if it would cause unjustified harm, their interests are likely to override your legitimate interests.

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Figures & tasks

3) Keep a record of your legitimate interests assessment (LIA) to help you demonstrate compliance if required.

You must include details of your legitimate interests in your privacy information

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Controllers & tasks

in schools

1- Holder-
the Principal who with others,decides purposes and methods about data processing and tools also in security terms

Controllers & tasks

in schools

2- Responsible-

DSGA (Direttore dei Servizi Generali e Amministrativi) who takes care of personal data

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Controllers & tasks

in schools

3- Responsible staff-
People with authorisation to process personal data

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What does GDPR mean for schools?

A great deal of the processing of personal data undertaken by schools will fall under a specific legal basis, 'in the public interest'. As it is in the public interest to operate schools successfully, it will mean that specific consent will not be needed in the majority of cases in schools.

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What does GDPR mean for schools? 2

GDPR will ensure data is protected and will give individuals more control over their data, however this means schools will have greater accountability for the data:

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What does GDPR mean for schools? 3

Under GDPR, consent must be explicitly given to anything that isn't within the normal business of the school, especially if it involves a third party managing the data. Parents (or the pupil themselves depending on their age) must express consent for their child's data to be used outside of the normal business of the school.

What does GDPR mean for schools? 4

Under GDPR, consent must be explicitly given to anything that isn't within the normal business of the school, especially if it involves a third party managing the data.

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What does GDPR mean for schools? 5

Parents (or the pupil themselves depending on their age) must express consent for their child's data to be used outside of the normal business of the school.

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What does GDPR mean for schools? 6

Schools must appoint a Data Protection Officer and be able to prove that they are GDPR compliant. Schools must ensure that their third party suppliers who may process any of their data is GDPR compliant and must have legally binding contracts with any company that processes any personal data.

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What does GDPR mean for schools? 7

These contracts must cover what data is being processed, who it is being processed by, who has access to it and how it is protected.
It will be compulsory that all data breaches which are likely to have a detrimental effect on the data subject are reported to the ICO (Information Commissioner's Office) within 72 hours.

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Should schools be worried about GDPR?

Schools are in a much better position to comply with the GDPR changes than many other private organisations.

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Should schools be worried about GDPR? 2

While the new GDPR regulations will mean more accountability, tougher penalties and a greater need for evidence, many schools already have a robust data protection policy in place and already respect individuals' rights and freedom.

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Should schools be worried about GDPR? 3

If this is the case, schools can see the introduction of the GDPR regulation as a way of further enhancing the way they deal with personal data.

Should schools be worried about GDPR? 4

Schools have always had an obligation to give their pupils and their parents access to their data, however, under the new GDPR regulation, individuals have the right to ask for their data to be forgotten.

Schools compliant to GDPR

Ensure senior management team fully understand GDPR and its potential impact.

Schools compliant to GDPR 2

Schools should document and review all of the personal data they hold; including data for pupils, staff, parents, suppliers and governors which should be organised and stored in an audit.

Schools compliant to GDPR 3

Consider the personal data processed and ensure everyone understands how it is collected, where it came from, what it is used for and what risks are posed by its use.

Schools compliant to GDPR 4

Schools should make sure that all staff are trained according to their roles and responsibilities. This should include general GDPR awareness training for all staff as well as more detailed training for staff with more responsibility (e.g. Head Teacher, Deputy Head Teacher, Data Protection Officer).

Schools compliant to GDPR 5

Schools already have systems in place that verify individuals' ages and gather parental consent for data processing where required.
An important area for schools is to identify ALL software being used within the school.

Schools compliant to GDPR 6

Recent developments in apps for education have led to many teachers downloading apps and using these in their classrooms without the school knowing about this.

Schools compliant to GDPR 7

Schools need to know what is being used, for what purpose and what personal data is involved so that they can ensure these apps are compliant with GDPR. Failure to do so could lead to breaches of GDPR, fines, enforcement action by the ICO and adverse publicity for the school concerned.

Schools compliant to GDPR 8

As schools are classified as a public authority for the purposes of data protection and GDPR, they must assign a Data Protection Officer who is solely responsible for any data protection and compliance with the GDPR regulation. It is important to consider where this role will sit in line with the school's structure and governance arrangements.

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Ensuring schools are GDPR compliant

GDPR is a data protection game-changer. Ensuring schools are GDPR compliant could involve significant changes to schools' processes, bringing about a whole host of challenges that will impact schools' resources and finances.

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Ensuring schools are GDPR compliant 2

How GDPR will affect schools at the minute is still open for debate, but what is clear is that steps will need to be taken by schools to ensure that best practices are put in place to protect students and staff.

Security measurement at school

Data breaches aren't always the work of hackers and malicious software – they can also be the result of a laptop forgotten on a train, or a curious family member.

Security measurement at school 2

School staff should only store personal data on school equipment, use strong passwords, and set their devices to auto-lock after five minutes.

Security measurement at school 3

If personal data is downloaded to removable media, like a USB stick, it must be encrypted and password-protected, and kept away from other users.

Security measurement at school 4

Staff should also undergo training on social engineering, phishing, cloud technologies, ransomware attacks and the like..

Legal & Personal Data : which type, where

- **Origin**: to encourage integration.
- **Religion & Philosophy**: freedom of religion and thinking.
- **Political**: for students & parents associations.
- **Health**: to ensure every needs.
- **Legal**: to ensure study rights also for people in jail.

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Legal & Personal Data : to whom

- **Hospital** : to plan personal study plan & other services.
- **Insurance**: for notification of accidents
- **Companies** : for stages and similiars.
- **Other instutions**: to ensure every needs.
- **Legal**: to ensure study rights also for people in jail.

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What do parents know?

Schools should issue a privacy notice to parents via the prospectus, a newsletter, a report or a letter/email: in it, they should state the data they collect, the reason they collect it, and the third parties that are privy to it. Keep in mind that, under GDPR, parents and students can request to see the data that is held about them free of charge.

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Class work and marks

It is possible to assign work about personal world .
Teacher sensitivity decides public reading or not.
Use of smartphone and tablet is stricly allowed for lesson only

Final marks are public

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Photos and videos

Publication of photos and video only under parents written agreement

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References

- **Luciano Loffredi: formazione privacy docenti Marconi LT 2016**
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- https://ec.europa.eu/newsroom/article29/
- https://gdpr.report/news/2017/12/05/can-schools-ensure-gpdr-compliant/