

# Terms of Reference for the General Data Protection Regulation (GDPR) Lead Governor at *Monkleigh Primary School*

Agreed at the meeting of the full governing board on: **13 September 2023**

Review date: **When changed**

Name of the Lead Governor: as agreed at Annual Business Meeting

Name of Deputy Lead Governor: as agreed at Annual Business Meeting

These terms of reference should be reviewed annually by the Governing Board and when there are any changes to the Governing Board's membership.

## **Policies and Documents delegated to this governor :**

*(Insert/delete policies and documents as applicable)*

- Data Protection Policy (Statutory)
- Freedom of Information Publication Scheme (Statutory)
- Privacy Notices

## **Duties which are delegated to this governor:** (Governance Handbook)

Governing boards may use their powers to delegate functions and decisions to committees or individual governors. It is the overall Governing Board, however, that in all cases remains accountable in law and to Ofsted for the exercise of its functions.

## **D Delegated to Lead Governor R Make Recommendations to Full Governing Board**

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| The GDPR governor will undertake appropriate governor training in order to fully understand their role including, where possible and appropriate, joining relevant staff training to keep updated.                                                                                                                                                                                                                                                                                                                                        | <b>D</b> |
| Understand the role of the Data Protection Officer (DPO), and be clear that, as a public authority, each school must designate a named DPO in order to be comply with new legislation (note, this DPO can be named as a DPO for more than one school/organisation and may not be a direct employee of the school or organisation, but they must be easily accessible from each establishment).                                                                                                                                            | <b>D</b> |
| Ensure that the school has appointed an appropriate Data Protection Officer (DPO) or subscribes to a reputable DPO service. The DPO must be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices. If the DPO role is being undertaken by a member of the school staff ensure that there are no conflict of interests in their other duties, they have a Job Description, access to relevant ongoing training and report to the highest management level in school. | <b>D</b> |
| To ensure the statutory duties relating to pupil record keeping, disclosure of information and pupil reports are fulfilled. Including reviewing and updating the Data Protection Policy, the Freedom of Information Publication Scheme and Privacy Notices in consultation with the DPO. Monitor that the DPO has provided appropriate annual training for staff, governors s and the school can demonstrate compliance with Data Protection Law.                                                                                         | <b>D</b> |

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| Seek confirmation from the DPO that the school (or MAT) is registered with the Information Commissioners Office (ICO) as a Data Controller.                                                                                                                                                                     | <b>D</b> |
| Working with the DPO, ensure that governors are aware that responsibility for compliance with data protection legislation lies with them and that they are kept informed about all key issues arising for the schools from legislative changes and understand how to effectively monitor and review compliance. | <b>D</b> |
| Liaise with the DPO to monitor and evaluate any data breaches and near misses to identify any changes in practice or training required. Ensure that any notifiable breaches are reported to the board.                                                                                                          | <b>R</b> |
| Ensure that Privacy Notices are in place for governors explaining how information will be used, shared and published.                                                                                                                                                                                           | <b>R</b> |
| Engage in discussions about identification and mitigation of risks.                                                                                                                                                                                                                                             | <b>D</b> |
| Check that the school has good network security to keep the personal data they hold protected including phishing awareness. This should also include having a business continuity plan in place that has cyber resilience as a consideration.                                                                   | <b>D</b> |
| Seek assurance from the DPO that the school can demonstrate compliance with Data Protection Regulations.                                                                                                                                                                                                        | <b>D</b> |
| Ensure the school has a process in place for dealing with a Subject Access Request (SAR). Monitor the number of requests received and assess if there are any recurring themes which may identify areas for improvement in the way the school is handling data.                                                 | <b>D</b> |
| Review of data protection policies in light of any changes to procedures and processes arising from the data audit and risk management.                                                                                                                                                                         | <b>D</b> |
| Seek assurance from the DPO that the school has a Retention Schedule in place for data, including data relating to governors at the school.                                                                                                                                                                     | <b>R</b> |
| Check that the school has an ICT Acceptable Use policy in place for staff and that all staff have been made aware of their responsibilities and have signed to accept them.                                                                                                                                     | <b>D</b> |
| Verify that the school has a process in place to seek and record consent where required from staff, parents (and pupils where appropriate), governors, trustees, Members and associate members.                                                                                                                 | <b>D</b> |

The GDPR lead and other members of the board may wish to refer to the GDPR Q-card on the Governance Consultancy team website

<https://www.babcockldp.co.uk/improving-schools-settings/governance-consultancy/q-cards>

and the DfE Data Protection Toolkit for schools

<https://www.gov.uk/government/publications/data-protection-toolkit-for-schools>

*Note from The Governance Consultancy Team: The level of delegated decision making given to an individual needs to be agreed by the full governing board. Full delegation (within legal requirements) is suggested within these terms of reference, but you may wish to set different levels with the lead governor making more recommendations and fewer decisions. Whatever you decide, make sure there is no duplication between the work of the lead governor and committees or the full governing board. All delegated decisions must be reported to the full governing board.*