



**GUIDANCE FOR SCHOOLS
CONSENT TO USE PERSONAL DATA**

Guidance Notes for Schools

- Please read this form carefully and ensure that all spaces highlighted in the notices are completed before they are published.
- Please note that this is an interim precedent document and may be subject to amendment by the Education Authority in due course.

CONSENT TO USE PERSONAL DATA

1. WHEN IS CONSENT REQUIRED?

- 1.1. You will have identified in your information asset register the range of activities the school undertakes in order to discharge its statutory responsibilities. This will have enabled you to assess the reasons why you process personal data and you will have identified the legal basis for doing so. Therefore, you should obtain consent for anything that isn't within the normal business of the school, especially if it involves a third party managing the data.
- 1.2. A school will not usually need to rely on consent as a legal basis for processing personal data if the school is processing that data as part of its core operations i.e. the provision of education in accordance with its statutory obligations.
- 1.3. Consent is not required for schools to share pupil information with another school to which a pupil is transferring. Schools have a legal basis for sharing this information without consent due to their statutory function to provide continuity of educational experience, being a legal obligation and legitimate interest, where particularly sensitive information is included. It is recommended that if schools are required to transfer excessive pupil information (information which does not facilitate an effective transition to the new school), that this is only done if consent has been obtained from the parent/legal guardian. Alternatively this excessive pupil information should be given to the pupil's parent/legal guardian for forwarding to the new school
- 1.4. Consent will be most commonly relied upon when personal data is for purposes outside of the school's day to day activities of provision of statutory education, for example:
 - extra-curricular activities
 - parent association events
 - alumni events
 - marketing
 - use of photographs and/or video footage on websites, social media, publications, etc.

2. HOW DO WE OBTAIN CONSENT?

2.1. Some general considerations

It is likely that the school has already got suitable consent procedures in place for various situations, such as taking photographs, publishing photographs on social media or the school website. In general terms, when a school requests consent to process personal information, it should take note of the following general points:

- Ensure the consent notice requires a **clear, positive opt-in** i.e. give control to the individual to consciously choose to give consent or not (as the case may be). For example, if the consent is given online, do not use a consent box that is pre-ticked.
- **Each processing activity should be listed** in the consent notice with an option to give or withhold consent.
- The school should keep **a clear record of consents** that have been obtained or refused in such a manner that makes it easy to identify any adjustments that may be required in relation to how a particular individual's personal information is used.
- Ensure that the consent notice sets out the rights of an individual to **withdraw** consent, including the ways in which this can be done e.g. if there is a form to complete or a website option for notifying the school, etc.
- A consent notice should make clear to the individual that if they **refuse to consent** to the particular processing being requested, this will **not adversely affect them** in any way.

Appendix 1 is a form of general consent for individuals (pupils and adults) which can be amended as appropriate by the school to reflect the particular circumstances for which it is seeking consent. The request must be specific i.e. broken down into distinct statements rather than set out as one broad consent statement. An example has been included (by way of illustration only) in the context of marketing to parents. You must consider other circumstances where the school should seek express written consent e.g. activities listed in **paragraph 1.4** above.

Appendix 2 contains a sample consent notice in relation to photographs and footage. This has been provided as it is one of the most common circumstances in which a school will seek consent of an individual.

2.2. Suggested process

The procedure set out below is a proposed pathway to assist the school with navigating the consent process.

STEP	ACTION	YES/NO?	NOTES
PRELIMINARY STEPS: OBTAINING CONSENT			
1.	The school has checked that consent is the most appropriate lawful basis for processing the data.		
2.	The consent request is obvious and separate from any other terms and conditions e.g. it is in a standalone notice.		
PREPARING A CONSENT NOTICE			
3.	Individuals have been asked to positively opt-in.		
4.	The consent form does not use pre-ticked boxes or other type of default consent.		
5.	The language used is clear, plain and easy to understand		
KEY MATTERS IN A CONSENT NOTICE			
6.	Individuals have been told why the school needs their data and how it will be processed.		
7.	Options to consent separately to different purposes and types of processing have been provided.		
8.	The school is named on the consent form and individuals have been informed of any third party controllers that will receive the information and what they will do with it.		

STEP	ACTION	YES/NO?	NOTES
9.	Individuals have been informed of their right to withdraw consent at any time.		
10.	Individuals have been informed of their right to access the data they consent to the school using.		
11.	Individuals have been informed of their right to refuse to provide consent without detriment.		
CONSENT AND PUPILS			
12.	When online services are offered directly to pupils, consent has been sought with age-verification methods in place.		
13.	If pupils aged 13 or above are consenting for themselves, they have been given an age-appropriate privacy notice to ensure they understand what they are consenting to.		
14.	The school has determined whether the pupil aged 13 or above can give consent and that they understand what they are consenting to (where the pupil is aged under 13 or is otherwise not considered capable of giving their own consent) consent has been obtained from whoever holds responsibility for the pupil).		
REVIEW AND MANAGEMENT			
15.	A record or register is kept of how and when consent was obtained from an individual.		
16.	A record is kept of what individuals were told at the time of consent.		

STEP	ACTION	YES/NO?	NOTES
17.	Consent is regularly reviewed to ensure the relationship between the school and parents, and the processing and purposes, has not changed.		
18.	Processes are in place to refresh consent at appropriate intervals.		
19.	Where parental consent has expired, due to a pupil reaching an age at which they can consent for themselves (i.e. aged 13 or above), the school reviews and refreshes a pupil's consent. Please note point 14 above in relation to children over the age of 13 who are not deemed capable of giving their own consent).		
20.	The school has ensured that it is easy for individuals to withdraw their consent at any time, and has publicised how this can be done.		
21.	Requests for withdrawal of consent are acted on as quickly as possible.		
22.	Individuals who wish to withdraw consent are not penalised for their request.		

3. WHEN DO WE OBTAIN CONSENT?

- 3.1. You will normally request consent from parents/legal guardians and pupils (where appropriate) at the beginning of each academic year. If anything changes at any point during that year, you should notify individuals of any changes to the consent notice previously signed and ask them to sign a new one.

- 3.2. There are other alternatives for obtaining consent, for example, there are mobile apps that allow individuals to give their consent online. The school is best placed to assess the most effective way for it to obtain consent for personal data processing but it must always be mindful of its obligations as a data controller and, of course, when dealing with children rather than adults.
- 3.3. Always remember, you have to offer a choice whether or not to give consent and make it clear there would be no detriment or prejudice to the individual if the consent was not given.

4. NEXT STEPS

- 4.1. Your obligations don't end when you get consent. The school should view consent as a dynamic part of your ongoing relationship of trust with individuals, not a one-off compliance box to tick and file away.
- 4.2. The school should review their consents regularly. The school should consider best practice guidance for seeking consent, for example, consent should be refreshed on an annual basis because consent can degrade over time, e.g. change of circumstances, child reaches aged 13 (or older, where appropriate) where they can consent themselves rather than a parent/legal guardian. Another good practice recommendation would be to ask parents/legal guardians to let the school know when circumstances in relation to consent may have changed.
- 4.3. The school must maintain a record of the consents it holds or situations where consent is withheld or withdrawn. There is a sample register at **Appendix 3**. This will need to be adapted to reflect the particular circumstances of your school, particularly in how the register would interact with other relevant data protection information regarding the same individual.

APPENDIX 1: GENERAL CONSENT FORM

[NAME OF SCHOOL]

GENERAL CONSENT FORM

[School address]

Principal: [•]

Website: [•] Email: [•]

Consent Form for Date of Birth

This form explains the reasons why and how [INSERT NAME OF SCHOOL] may [insert description of subject matter for which consent is sought e.g. marketing or alumni or PTA emails] which involves processing personal data under data protection laws.

To enable us to comply with our obligations under the General Data Protection Regulation, we are required to obtain express consent for the use of your/your child's personal information for [insert description of subject matter for which consent is sought e.g. marketing or alumni or PTA emails]. Without your consent we will not [insert description of subject matter for which consent is sought e.g. marketing or alumni or PTA emails].

[INSERT BRIEF EXPLANATION OF WHY THE SCHOOL IS PROCESSING THE DATA. FOR EXAMPLE: [NAME OF SCHOOL] uses marketing material to promote the events that are taking place at school, for example, the summer fair. Our primary aim is to inform you of the events that are taking place during the school year and, if you wish to participate in them, how you can do so and to what benefit.]

A pupil aged 13 or above and who is considered capable of giving their own consent can complete this form on their own behalf.

Parents/legal guardians of pupils under the age of 13 or pupils over the age of 13 and not considered capable of giving their own consent should complete this form on behalf of the pupil.

This consent form is valid for the academic year [] to []. It will be updated on an annual basis. Consent will also be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- New requirements for consent, e.g. [an additional form of distributing marketing material]

- Changes to school circumstances, e.g. [if a new Principal reviews how the school markets itself]

Please read the following conditions thoroughly and provide your consent as appropriate by circling either 'Yes' or 'No' for each criterion.

[INSERT SEPARATE, SPECIFIC STATEMENT[S] FOR WHICH THE SCHOOL WILL REQUIRE EXPRESS CONSENT IN RELATION TO THE PARTICULAR MATTER E.G. I CONSENT TO RECEIVING MARKETING MATERIAL VIA [EMAIL][PRINTED COPY], I CONSENT TO RECEIVING MARKETING MATERIAL FROM THE PTA]	Yes/No
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Consent can be withdrawn at any time by notifying the Principal and completing a new copy of this form. If you do not consent to a particular use of your or your child's personal information, you/your child will not suffer any detrimental effect as a result.

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the Principal. A new form will be supplied to you to amend your consent accordingly and provide a signature.

Signed by [child aged 13 or above and capable of giving consent][adult].....

Print name Date

For children aged under 13 or children aged over 13 but not considered capable of giving their own consent:

Signed by parent/legal guardian..... Print name

Relationship to child Date

***Please Note we will update this information annually. Should your/your child's circumstances change mid-year, it is your responsibility to notify the school and complete a new consent form.**

APPENDIX 2: PHOTOGRAPHS AND FOOTAGE

[NAME OF SCHOOL]

CONSENT FORM FOR PHOTOGRAPHS AND FOOTAGE

[School address]

Principal: [•]

Website: [•] Email: [•]

Consent Form for Date of Birth

Photographs and recordings of pupils for School, family and press are a source of pride to both the pupils and their families//legal guardians. Taking, keeping and publishing photographs and video footage involves processing personal data under data protection laws.

To enable us to comply with our obligations under the General Data Protection Regulation, we are required to obtain express consent to the use of a pupil's image for example in school displays, performances, newsletters, prospectus and our social media platforms.

In all instances below, the image or footage may be of an individual, small group, class or classes. Where pupils are named, we will use first names only unless we have sought prior permission from you to publish full names (***newspaper and media companies will often use a full name and we will not seek further permission for this**). We will only use photographs and footage where pupils are appropriately dressed to reduce the risk of inappropriate use of the images or footage.

A pupil aged 13 or over and who is considered capable of giving their own consent can complete this form on their own behalf.

Parents//legal guardians of pupils under the age of 13 or pupils over the age of 13 and not considered capable of giving their own consent should complete this form on behalf of the pupil.

This consent form is valid for the academic year [] to []. It will be updated on an annual basis. Consent will also be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- New requirements for consent, e.g. [an additional form of media to use with pupils/parents/legal guardians]
- Changes to school circumstances, e.g. [if a new Principal reviews how the school markets itself]

I give permission for photographs, voice recordings or videos of me (current pupil age 13+)/my child to be taken and used within school, for example: displays in school entrance.	Yes/No
I give permission for photographs of me (current pupil age 13+) /my child to be used in the printed school newsletter. [OPTIONAL: I understand that it is posted in PDF format on the School website.]	Yes/No
I (current pupil age 13+)/My child may be named in the caption or article associated with the image in the school newsletter.	Yes/No
I give permission for photographs, voice recordings or videos of me (current pupil age 13+)/my child to be used on the School's website[, virtual learning environment] and our school-managed social media portals, for example: as part of a school trip blog.	Yes/No
I give permission for me (current pupil age 13+)/my child's work to be used on the school website[, virtual learning environment] and our school-managed social media portals.	Yes/No
I (current pupil age 13+)/My child may be named in the associated captions or articles on the website[, virtual learning environment] or school-managed social media portals.	Yes/No
My (current pupil age 13+)/My child's image, voice or work may be used in school promotional materials, for example: prospectus, other publications that we produce for promotional purposes.	Yes/No
I give permission for visiting media organisations to take photographs or video footage of me (current pupil age 13+)/my child and use them in local or national publications, on websites and on radio or television programmes.	Yes/No
My (current pupil age 13+)/My child's name* may be used in connection with this material. (*In these instances full names are often used).	Yes/No
I (current pupil age 13+)/My child may feature in footage recorded for the purposes of teacher training which is shared with other teachers in the school or externally to help raise teaching standards.	Yes/No

- Please be aware that websites and social media can be viewed throughout the world and not just in the United Kingdom where UK law applies. Our current social media accounts are [LIST ANY SOCIAL MEDIA ACCOUNTS SUCH AS THE SCHOOL WEBSITE, FACEBOOK ACCOUNT, SCHOOL BLOG, TWITTER ACCOUNT, ETC].
- We may continue to use your (current pupil age 13+)/your child's image or footage after they have left the School in promotional materials or on our social media or website accounts.
- We will not include personal e-mail or postal addresses, telephone or fax numbers on video, on our website or in any printed materials.
- We may include a pupil's written work, projects and artwork including portraits of other pupils on our website and in promotional materials.

Consent can be withdrawn at any time by notifying the Principal and completing a new copy of this form. If you do not consent to a particular use of your (current pupil age 13+) or your child's information, you/your child will not suffer any detrimental effect as a result.

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the Principal. A new form will be supplied to you to amend your consent accordingly and provide a signature.

Signed by child aged 13 or above..... Print name

Date

For children aged under 13 or children aged 13 or over but not considered capable of giving their own consent:

Signed by parent/legal guardian Print name

Relationship to child Date

