***Polisi Diogelu Data***

***Rheoliad Diogelu Data Cyffredinol (GDPR) a Deddf Diogelu Data 2018***

***Ffederasiwn Ysgol Dyffryn Dulas Corris ac Ysgol Pennal***

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### Cyflwyniad

Er mwyn gweithredu'n effeithlon, mae'n rhaid i Ffederasiwn Ysgol Dyffryn Dulas Corris ac Ysgol Pennal gasglu a defnyddio gwybodaeth am bobl y mae'n gweithio â hwy. Gall y rhain gynnwys y cyhoedd, cyn-weithwyr, gweithwyr cyfredol a gweithwyr y dyfodol, disgyblion a chyflenwyr. Hefyd, efallai y bydd y gyfraith yn ei gwneud yn ofynnol i gasglu a defnyddio gwybodaeth er mwyn cydymffurfio â gofynion llywodraeth ganolog.

Mae'r ysgol wedi ymrwymo i sicrhau yr ymdrinnir â gwybodaeth bersonol yn briodol, ac mae'n sicrhau cydymffurfiaeth â deddfwriaeth diogelu data. Bydd yr Ysgol yn gwneud pob ymdrech i fodloni ei rhwymedigaethau o dan y ddeddfwriaeth a bydd yn adolygu gweithdrefnau yn gyson er mwyn sicrhau ei bod yn gwneud hynny.

**Diffiniadau**

**Data Personol** yw gwybodaeth sy’n ymwneud ag unigolyn byw y gellir ei adnabod sy’n cael ei phrosesu fel data. Mae prosesu yn golygu casglu, defnyddio, datgelu, cadw neu waredu gwybodaeth. Mae'r egwyddorion diogelu data yn berthnasol i’r holl wybodaeth a ddelir yn electroneg neu mewn ffeiliau strwythuredig sy’n dweud rhywbeth wrthych am unigolyn byw y gellir ei adnabod.

Mae'r egwyddorion hefyd yn ymestyn at yr holl wybodaeth yng nghofnodion addysg. Enghreifftiau o hyn fyddai enwau staff a disgyblion, dyddiadau geni, cyfeiriadau, rhifau yswiriant cenedlaethol, marciau ysgol, gwybodaeth feddygol, canlyniadau arholiadau, asesiadau ADY ac adolygiadau datblygiad staff.

**Data Categori Arbennig** yw gwybodaeth sydd yn ymwneud â hil neu ethnigrwydd, barn wleidyddol, crefydd, aelodaeth undebau llafur, iechyd, geneteg, rhywioldeb, bywyd rhywiol, biometrig.

Y gwahaniaeth rhwng prosesu data personol a data categori arbennig yw bod mwy o gyfyngiadau cyfreithiol ar yr olaf gan eu bod yn fwy sensitif.

**Data Troseddol** – mae Erthygl 10 y Rheoliad Diogelu Data Cyffredinol (GDPR) yn gosod allan y rheolau ar gyfer prosesu data troseddol.

### Sgôp

Mae’r polisi hwn yn berthnasol i holl weithwyr, llywodraethwyr, contractwyr, asiantaethau a chynrychiolwyr a staff dros dro sy’n gweithio i, neu ar ran yr ysgol.

Mae’r polisi hwn yn berthnasol i'r holl wybodaeth bersonol a grëwyd neu a ddaliwyd gan yr Ysgol ym mha bynnag fformat (e.e. papur, electronig, e-bost, ffilm) a pha bynnag fodd y mae'n cael ei storio (er enghraifft, system/cronfa ddata TGCh, strwythur ffeilio gyriant a rennir, e-bost, cabinet ffeilio, silffoedd a droriau ffeilio personol).

Nid yw DDD yn berthnasol i fynediad at wybodaeth am unigolion sydd wedi marw.

### Cyfrifoldebau

Y Llywodraethwyr sydd gan y cyfrifoldeb cyffredinol dros gydymffurfio gyda DDD.

Mae'r Pennaeth yn gyfrifol am sicrhau cydymffurfiaeth gyda DDD a'r polisi hwn o fewn gweithgareddau dyddiol yr ysgol. Mae’r Pennaeth yn gyfrifol am sicrhau y darperir hyfforddiant priodol ar gyfer yr holl staff.

Mae pob aelod staff neu gontractwr sydd yn dal neu’n casglu data personol yn gyfrifol am eu cydymffurfiaeth eu hunain gyda DDD a dylent sicrhau y cedwir ac y prosesir gwybodaeth bersonol yn unol â DDD.

Dylai pob aelod o staff fynegi ei fod wedi darllen, deall a derbyn y Polisi hwn.

### Y Gofynion

Mae DDD yn mynnu fod yn rhaid i unrhyw un sy’n prosesu data personol gydymffurfio a chwech egwyddor arfer da; gorfodir yr arferion hyn yn gyfreithiol. Mae'r egwyddorion yn mynnu’r hyn a ganlyn yng nghyswllt gwybodaeth bersonol:

Erthygl 5 GDPR

* + 1. Dylid prosesu’r wybodaeth yn gyfreithlon, yn deg, ac yn dryloyw
		2. Dim ond ar gyfer un neu ragor o ddibenion penodol, amlwg a chyfreithlon y dylid cael gafael ar yr wybodaeth ac ni ddylid ei phrosesu ymhellach mewn unrhyw ffordd nad yw’n cyd-fynd â’r diben neu’r dibenion hynny;
		3. Bydd y wybodaeth yn ddigonol, yn berthnasol ac nid yn ormodol o'i gymharu â diben neu ddibenion ei phrosesu;
		4. Bydd y wybodaeth yn fanwl gywir a, pan fo hynny'n briodol, yn hollol gyfredol;
		5. Ni ddylid cadw’r wybodaeth am yn hwy nag sydd rhaid ar gyfer y diben neu’r dibenion hynny;
		6. Bydd y wybodaeth yn cael ei phrosesu’n ddiogel, h.y. ei gwarchod gan radd briodol o ddiogelwch.

### Ffi flynyddol

Mae gofyn talu ffi flynyddol i Swyddfa’r Comisiynydd Gwybodaeth. Mae methu â gwneud hynny yn medru arwain at gosb ariannol.

### Hysbysiadau Preifatrwydd

Pryd bynnag y cesglir gwybodaeth am unigolion, bydd yr ysgol yn darparu'r wybodaeth a ganlyn:

* Pwy yw'r rheolydd data, e.e. yr ysgol;
* Diben casglu'r wybodaeth;
* Sail gyfreithiol dros gasglu’r wybodaeth
* Unrhyw ddibenion eraill y gellid eu defnyddio ar eu cyfer;
* Gyda phwy y bydd, neu gellir, rhannu'r wybodaeth;
* Pa mor hir cedwir y wybodaeth
* Manylion am hawliau unigolion
* Manylion y Swyddog Diogelu Data

Rhaid i hyn ddigwydd ar yr amser y dechreuir casglu gwybodaeth am unigolyn.

Er enghraifft:

 *Bydd y Ffederasiwn yn casglu gwybodaeth am ddisgyblion er mwyn tracio eu cynnydd addysgol. Ni fydd yn cael ei defnyddio ar gyfer unrhyw bwrpas arall.*

 *Gwneir hyn fel rhan o’i ddyletswydd cyhoeddus.*

 *Bydd yn rhannu’r wybodaeth efo’r Awdurdod Addysg Lleol a Llywodraeth Cymru.*

 *Ni fydd y wybodaeth yn cael ei throsglwyddo dramor / Bydd y wybodaeth yn cael ei throsglwyddo dramor.*

 *Gall fod gennych hawliau mewn perthynas a chael, cywiro, gwrthwynebu, dileu neu gludo gwybodaeth bersonol. Cysylltwch a’r Swyddog Diogelu Data am fanylion.*

*Swyddog Diogelu Data ydi H. L. N. Jones*

Os cesglir gwybodaeth yn uniongyrchol gan blentyn, rhaid i’r hysbysiad preifatrwydd fod mewn iaith sy’n ddealladwy i’r plentyn.

### Amodau ar gyfer Prosesu

Gellir ond prosesu data personol pan fo un o amodau Erthygl 6 y GDPR wedi cael ei bodloni.

Gellir ond prosesu data categori arbennig pan fo un amod yn Erthygl 9 y GDPR wedi cael ei fodloni yn ogystal ag un yn Erthygl 6.

### Datgelu Data

Mae hi’n drosedd cael gafael ar neu ddatgelu gwybodaeth am unigolyn, boed hynny’n fwriadol neu'n fyrbwyll heb achos cyfiawn. Ni ddylid ond rhoi data perthnasol, cyfrinachol i:

* *aelodau staff eraill ar sail angen gwybod;*
* *Rhieni/Gwarcheidwaid perthnasol;*

*sefydliadau eraill os yw hynny’n angenrheidiol er lles y cyhoedd, e.e. atal trosedd;*

* *awdurdodau eraill, megis yr Awdurdod Addysg Lleol ac ysgolion pan fydd disgyblion yn symud iddynt a lle mae gofynion cyfreithiol*
* *sefydliadau mae’r ysgol yn cydweithio a hwy neu sy’n rhan o brotocol rhannu gwybodaeth*

Ni ddylai'r ysgol ddatgelu unrhyw beth am gofnod y disgybl fyddai'n debygol o beri niwed sylweddol i'w iechyd corfforol neu feddyliol nac i iechyd corfforol neu feddyliol unrhyw berson arall.

Dylid ceisio cyngor os oes amheuaeth neu fod gwrthdaro rhwng gofynion statudol.

Wrth roi gwybodaeth i unigolyn, yn enwedig ar y ffôn, yn bwysicaf oll, rhaid gwirio pwy yw'r unigolyn hwnnw. Os oes amheuaeth, dylid gofyn cwestiynau i'r unigolyn, rhai na all neb ond ef/hi eu hateb. Ni ddylid darparu gwybodaeth i bartïon eraill, hyd yn oed os ydynt yn perthyn. Er enghraifft: yn achos rhieni sydd wedi ysgaru, mae'n bwysig nad yw gwybodaeth ynghylch y naill barti yn cael ei rhoi i'r llall am nad oes ganddynt hawl i'w derbyn.

### Hawliau unigolion

### Mynediad at wybodaeth amdanynt eu hunain

Mae gan unrhyw un yr hawl, ~~i~~ ofyn am gopi o’r holl wybodaeth a gedwir amdanynt gan yr ysgol (neu wybodaeth am blentyn y maent yn gyfrifol amdano).

Pan dderbynnir cais, rhaid ymdrin ag o'n brydlon; rhaid cyflwyno ateb cyn gynted â phosib o fewn un mis. Ceir ymestyn y cyfnod i hyd at ddau fis os ydi cais yn gymhleth neu ‘n niferus.

Ni ellir codi ffi am. Fodd bynnag os ydi cais yn ddi-sail, ormodol ac wedi ei gyflwyno o’r blaen mae hawl i godi ffi weinyddol.

Wrth ddarparu'r wybodaeth, rhaid i'r ysgol hefyd ddarparu’r un manylion i’r unigolion ag a roddir mewn hysbysiad preifatrwydd.

Gellir codi hyd at £50 (ar raddfa symudol ar gyfer ffioedd llungopïo) am fynediad at gofnod addysgol disgybl.

* + - 1. **Darparu data i blant**

O ran gallu plentyn i wneud cais, yn ôl arweiniad Swyddfa'r Comisiynydd Gwybodaeth, erbyn iddo gyrraedd 12 oed gellir disgwyl i blentyn fod yn ddigon aeddfed i ddeall natur y cais. Wrth gwrs, gall plentyn fod yn ddigon aeddfed yn gynt; dylid ystyried pob plentyn ar sail bob achos unigol.

Os nad yw'r plentyn yn deall natur y cais, mae rhywun sydd â chyfrifoldeb rhiant am y plentyn, neu warcheidwad, yn meddu ar yr hawl i wneud cais ar ran y plentyn a derbyn ymateb.

Dylai disgyblion sy'n cyflwyno ceisiadau i gael mynediad at eu cofnodion addysgol gael yr hawl i wneud hynny oni bai ei bod yn amlwg nad ydynt yn deall yr hyn y maent yn gofyn amdano.

### Hawliau rhieni

Gall oedolyn sydd â chyfrifoldeb rhiant gael mynediad i wybodaeth am eu plentyn, os ystyrir nad yw'r plentyn eto'n ddigon aeddfed. Rhaid iddynt fedru profi eu cyfrifoldeb fel rhiant ac mae gan yr Ysgol hawl i ofyn am y ddogfennaeth briodol i brofi hyn yn ogystal â phrawf o bwy yw'r sawl sy'n gofyn a phwy yw'r plentyn.

Yn ogystal, mae gan rieni eu hawl annibynnol eu hunain dan Reoliadau Addysg (Gwybodaeth am Ddisgyblion) (Cymru) 2004 i gael mynediad at gofnodion addysgol swyddogol eu plant. Nid oes gan fyfyrwyr hawl i atal eu rhieni rhag cael copi o'u cofnod ysgol.

1. **Hawl i ofyn i gywiro gwybodaeth sy’n anghywir**

Mae gan pob unigolyn yr hawl i roi gwybod i’r ysgol os ydynt yn credu bod gwybodaeth amdanynt wedi ei chofnodi yn anghywir.

Caniateir hyd at un mis i ateb ceisiadau ond gellir ymestyn hyn i hyd at deu fis ychwanegol os yw’r cais yn swmpus neu’n gymhleth;

Mae’n bosib nad yw’n bosib newid na dileu’r wybodaeth bob amser, ond dylid cywiro unrhyw beth sy’n ffeithiol anghywir;

Yn y cyfamser, dylid nodi rhybudd ar ffeil y person i nodi fod amheuaeth am y cywirdeb.

1. **Hawl i ofyn am gael dileu gwybodaeth**

Mae hawl gan unigolion, mewn rhai amgylchiadau, i wneud cais i ddileu gwybodaeth amdanynt eu hunain. Bydd yr ysgol yn ystyried pob cais yn unigol.

1. **Hawl i wrthwynebu neu gyfyngu prosesu gwybodaeth**

Mae gan pob unigolyn yr hawl i wrthwynebu i’w gwybodaeth gael ei brosesu o dan yr amgylchiadau a ganlyn:

* Rydym wedi prosesu eu gwybodaeth ar sail buddion cyfreithlon neu dasg gyhoeddus/awdurdod swyddogol;
* Lle mae marchnata cyhoeddus;
* Prosesu oherwydd ymchwil neu ystadegau.

Bydd yr ysgol yn cydymffurfio efo’r cais oni bai:

* + Fod rhesymau cryf, cyfreithlon dros brosesu;
	+ Bod angen sefydlu, gweithredu neu amddiffyn hawliadau cyfreithiol.

O ran cyfyngu prosesu, ceir yr hawl i wneud hyn os yw unigolyn yn mynnu bod data yn anghywir ac felly rhaid cyfyngu yn ystod yr ymchwiliad; lle mae unigolyn wedi gwrthwynebu; lle mae’r prosesu yn anghyfreithlon a lle nad oes ar yr ysgol angen y data ond mae’r unigolyn angen y data er mwyn amddiffyn hawliad cyfreithiol.

Bydd angen hysbysu unrhyw drydydd partïon sydd wedi derbyn y data am yr angen i gyfyngu prosesu, a hysbysu’r unigolyn pwy ydi’r trydydd partïon yma.

### Diogelwch

**Cofnodion papur**

Pan fo hynny'n bosib, dylid defnyddio ystafelloedd storio, cypyrddau cryf a systemau storio eraill sydd â chloeon i storio cofnodion papur. Ni ddylid gadael papurau sy'n cynnwys gwybodaeth bersonol gyfrinachol ar ddesgiau mewn swyddfeydd ac ystafelloedd dosbarth, ar fyrddau ystafelloedd staff nac wedi'u gosod ar hysbysfyrddau lle mae gan bawb fynediad atynt. Dylid bod yn arbennig o ofalus os oes rhaid mynd â dogfennau allan o'r ysgol

**Cofnodion Electronig**

Dylid cadw pob dyfais gludadwy electroneg mor ddiogel â phosib. Os oes gwybodaeth bersonol ynddynt, dylid eu cadw dan glo oni bai eu bod yn cael eu defnyddio.

Dylid defnyddio meddalwedd amgryptio i amddiffyn pob dyfais gludadwy a chyfryngau symudadwy, megis gliniaduron a dyfeisiadau USB (neu ffurf arall i gadw gwybodaeth nad ydyw'n rhan o'r cyfrifiadur ei hun), sy'n cadw gwybodaeth bersonol a chyfrinachol. Rhaid gwarchod pob dyfais gyda chyfrinair.

Rhaid cael gwared ar ddata yn ddiogel cyn gynted ag y caiff ei drosglwyddo neu phan nad oes ei angen mwyach.

Dylid annog defnyddio cyfrineiriau cryf, h.y. o leiaf wyth nod a chynnwys symbolau arbennig os yw unrhyw gyfarpar electroneg yn dal gwybodaeth bersonol gyfrinachol. Dylid defnyddio gwahanol gyfrineiriau ar gyfer gwahanol systemau a dyfeisiadau.

**Gwaredu**

Os cedwir unrhyw wybodaeth gyfrinachol ar gofnodion papur, dylid eu llarpio; dylid glanhau cofau electronig neu eu dinistrio.

**Digwyddiad Data**

Mae tramgwydd data yn golygu fod gwybodaeth bersonol wedi cael ei chyfaddawdu neu ei cholli, a allai fod wedi digwydd o ganlyniad i ddigwyddiad ar y we; data wedi ei adael mewn lleoliad anniogel; data wedi ei bostio at y derbynnydd anghywir; colli neu ddwyn gwaith papur neu ddyfais anniogel, ac ati.

Bydd yr ysgol yn ymchwilio unrhyw ddigwyddiadau ac yn cymryd camau adferol priodol. Adroddir am ddigwyddiadau data difrifol i Swyddfa'r Comisiynydd Gwybodaeth.

### Cadw data

Dylid cael gwared ar wybodaeth sydd ddim yn gyfredol bellach os nad yw'n berthnasol mwyach. Ni ddylid ond cadw gwybodaeth cyn hired ag y bo angen, ar gyfer dibenion cyfreithiol neu fusnes.

### Cofnodi Data

Dylid cadw cofnodion mewn modd fel y gallai'r unigolyn dan sylw eu hymchwilio. Dylid hefyd gadw mewn cof ei bod yn bosib y bydd y llysoedd neu unrhyw swyddog cyfreithiol yn ymchwilio'r data rywdro yn y dyfodol. Felly, dylai fod yn gywir, yn ddiduedd, yn ddiamwys ac yn hawdd ei ddehongli/darllen. Pan ceir gwybodaeth gan ffynhonnell allanol, dylid cofnodi manylion y ffynhonnell a'r dyddiad y derbyniwyd y wybodaeth.

**Gwefan**

Bydd unrhyw berson sydd â'u manylion, neu fanylion plentyn, i'w cynnwys ar wefan yr ysgol angen rhoi caniatâd ysgrifenedig. Ar yr adeg y bydd y wybodaeth yn cael ei chynnwys, bydd yr holl unigolion yn cael gwybod yn iawn am ganlyniadau eu data yn cael ei ledaenu'n fyd-eang.

### Ffotograffau

Mae'n bosib y bydd ffotograffau a gymerir er defnydd ysgol swyddogol yn destun y DDD a bydd yr Ysgol yn cynghori disgyblion a myfyrwyr am y rheswm y maent yn cael eu cymryd.

Mae ffotograffau a gymerir er defnydd personol yn unig yn eithriedig o'r DDD.

1. **Rhannu Gwybodaeth**

Wrth rannu gwybodaeth bersonol, bydd yr ysgol yn sicrhau bod:

* ganddi ganiatâd i'w rannu;
* diogelwch digonol (gan gymryd natur y wybodaeth i ystyriaeth) mewn lle i'w amddiffyn; ac
* yn darparu amlinelliad mewn datganiad preifatrwydd am bwy sydd yn derbyn gwybodaeth bersonol gan yr ysgol.

Bydd unrhyw ddata personol a anfonir at drydydd parti er prosesu (sef cwmni allanol) yn cael ei gwmpasu gan gytundeb prosesu data.

1. **Teledu Cylch Cyfyng**

Mae dal a/neu gofnodi delweddau o unigolion y gellir eu hadnabod yn enghraifft o brosesu gwybodaeth bersonol ac felly mae angen cydymffurfio â'r DDD.

Bydd yr ysgol yn hysbysu staff, disgyblion ac ymwelwyr am y rheswm y mae'n casglu gwybodaeth bersonol ar ffurf delweddau TCC.

Bydd yr ysgol yn sicrhau fod ganddo gyfnod cadw penodol ar sail yr angen posib i adolygu'r deunydd a bydd yn ystyried pwy sydd yn cael mynediad at y deunydd hwn a pham.

Bydd gan unigolion ac asiantaethau gorfodi'r gyfraith yr hawl i ofyn am weld y delweddau. Bydd holl geisiadau o'r fath yn cael eu cofnodi.

1. **Gwybodaeth Fiometreg (olion bysedd) - DEWISOL**

Mae Deddf Diogelu Rhyddid 2012 yn cynnwys mesurau yn ymwneud â’r defnydd o systemau adnabod biometreg, h.y. systemau olion bysedd ac adnabyddiad wynebol (*facial recognition*).

O dan y GDPR cydnabyddir bod data o’r math yn ddata categori arbennig

* Ar gyfer bob disgybl ysgol o dan 18 mlwydd oed, bydd yr ysgol yn gofyn am ganiatâd ysgrifenedig y rhieni cyn cofnodi a phrosesu manylion biometreg eu plentyn.
* Rhaid i'r holl ddata o'r fath gael ei drin yn briodol ac yn unol ag egwyddorion y DDD.
* Rhaid adnabod dulliau eraill o ddarpariaeth gwasanaeth os yw rhiant neu ddisgybl yn gwrthod rhoi caniatâd.

### Torri'r polisi

Gall diffyg cydymffurfiaeth â gofynion y DDD gan aelodau staff arwain at drydydd parti yn cymryd camau difrifol yn erbyn awdurdodau'r ysgol. Felly, mae diffyg cydymffurfiaeth gan aelod staff yn cael ei ystyried yn fater disgyblu a all, yn ddibynnol ar yr amgylchiadau, arwain at ddiswyddiad. Dylid nodi y gall unigolyn gyflawni trosedd o dan y Ddeddf, er enghraifft, wrth gael gafael ar/neu ddatgelu data personol er ei ddibenion ei hun heb ganiatâd y rheolydd data.

8) Ni ddylid datgelu unrhyw wybodaeth all beri niwed sylweddol i iechyd corfforol neu feddyliol neu gyflwr emosiynol y disgybl nac unrhyw unigolyn arall. Ni ddylid ychwaith ddatgelu gwybodaeth fyddai'n dangos fod y plentyn mewn peryg o gael ei gam-drin, neu unrhyw wybodaeth sy'n ymwneud ag achosion llys.

9) Dylid ceisio mwy o gyngor os oes unrhyw bryder ynghylch datgelu gwybodaeth.

10) Pan fo gwybodaeth wedi cael ei golygu ( ei duo neu ei dileu), dylid cadw copi cyflawn o'r wybodaeth a ddarparwyd i sefydlu beth gafodd ei olygu a pham, rhag ofn i rywun gyflwyno cwyn.

11) Dylai'r wybodaeth a ddatgelir fod yn eglur, felly bydd angen egluro unrhyw godau neu dermau technegol. Os yw'r wybodaeth a gynhwysir yn anodd i'w darllen neu'n annarllenadwy, dylid ei theipio eto.

12) Gellir darparu gwybodaeth yn yr ysgol gydag aelod staff ar gael i helpu ac egluro materion pe bai angen, neu gellid ei ddarparu wrth drosglwyddo'r wybodaeth wyneb yn wyneb. Dylid ystyried barn yr ymgeisydd wrth benderfynu sut i ddarparu'r wybodaeth. Os oes rhaid defnyddio systemau'r post yna rhaid defnyddio post cofrestredig.

**Cwynion**

Dylid cyflwyno cwynion am y gweithdrefnau uchod i Gadeirydd y Corff Llywodraethu fydd yn penderfynu a yw hi'n briodol ymdrin â'r gŵyn yn unol â gweithdrefn gwynion yr ysgol ai peidio. Bydd y Comisiynydd Gwybodaeth yn ymdrin â chwynion nad ydynt yn briodol i gael eu hystyried dan weithdrefn gwynion yr ysgol. Bydd manylion cyswllt y ddau yn cael eu cynnwys gyda'r wybodaeth sy'n cael ei datgelu.

**Cysylltiadau**

Os oes gennych unrhyw ymholiadau neu bryderon ynghylch y polisïau / gweithdrefnau hyn, cysylltwch â'r Pennaeth Ysgol*.*

Gellir dod o hyd i ragor o gyngor a gwybodaeth gan Swyddfa'r Comisiynydd Gwybodaeth ('ICO'), www.ico.gov.uk

***Data Protection Policy***

***General Data Protection Regulation (GDPR) and the Data Protection Act 2018***

***Ffederasiwn Ysgol Dyffryn Dulas Corris ac Ysgol Pennal***

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1. **Introduction**

In order to operate efficiently, Ffederasiwn Ysgol Dyffryn Dulas Corris ac Ysgol Pennal has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, pupils and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government.

The school is committed to ensuring that personal information is properly managed and that it ensures compliance with data protection legislation. The School will make every effort to meet its obligations under the legislation and will regularly review procedures to ensure that it is doing so.

**Definitions**

**Personal Data** is information which relates to an identifiable living individual that is processed as data. Processing means collecting, using, disclosing, retaining, or disposing of information. The data protection principles apply to all information held electronically or in
structured files that tells you something about an identifiable living individual.

The principles also extend to all information in education records. Examples would be names of staff and pupils, dates of birth, addresses, national insurance numbers, school marks, medical information, exam results, SEN assessments and staff development reviews.

**Special Category Data** is information that relates to race and ethnicity, political opinions, religion, trade union membership, health, genetics, sexuality, sex life, and biometric data.

The difference between processing personal data and special category data is that there are greater legal restrictions on the latter as they are more sensitive.

**Criminal Data** - Article 10 of the General Data Protection Regulation (GDPR) sets out the regulations to process criminal data.

1. **Scope**

This policy applies to all employees, governors, contractors, agencies and representatives and temporary staff working for or on behalf of the school.

This policy applies to all personal information created or held by the School in whatever format (e.g. paper, electronic, email, film) and however it is stored, (for example ICT system/database, shared drive filing structure, email, filing cabinet, personal filing shelves and drawers).

DPL does not apply to access to information about deceased individuals.

1. **Responsibilities**

The Governors have overall responsibility for compliance with DPL.

The Headteacher is responsible for ensuring compliance with DPL and this policy within the day to day activities of the school. The Headteacher is responsible for ensuring that appropriate training is provided for all staff.

All members of staff or contractors who hold or collect personal data are responsible for their own compliance with DPL and must ensure that personal information is kept and processed in line with DPL.

All members of staff should demonstrate that they have read, understood and accepted this Policy.

1. **The Requirements**

DPL stipulates that anyone processing personal data must comply with six principles of good practice; these principles are legally enforceable. In the context of personal information, the principles require the following:

Article 5 GDPR

* + 1. Information should be processed in a legal, fair and transparent manner
		2. Information should only be acquired for one or more specific, clear and lawful purposes, and it should not be further processed in any manner incompatible with that purpose or those purposes;
		3. Information will be adequate, relevant and non-excessive in relation to the purpose or purposes for which it is processed;
		4. Information will be accurate, and where appropriate, completely up-to-date;
		5. Information should not be kept for longer than needed for that purpose or those purposes;
		6. Information will be processed safely, i.e. protected by an appropriate degree of security.
1. **Annual fee**

It is required to pay an annual fee to the Information Commissioner's Office. Failure to do so could lead to a financial penalty.

1. **Privacy Notices**

Whenever information is collected about individuals, the school will provide the following information:

* The identity of the data controller, e.g. the school;
* The purpose that the information is being collected for;
* The lawful basis for collecting the information
* Any other purposes that it may be used for;
* With who the information will or may be shared with;
* How long the information is kept
* Details about the rights of individuals
* Details about the Data Protection Officer

This must happen at the time that information first starts to be gathered on an individual.

For example:

*The school will collect information about pupils in order to track their educational progress. It will not be used for any other purpose.*

 *This is done as part of its public task.*

 *It will share the information with the Local Education Authority and Welsh Government.*

 *Information will not be transferred abroad/Information will be transferred abroad.*

 *You may have rights in relation to receiving, correcting, objecting, deleting or transporting personal information. Contact the Data Protection Officer for details.*

 *The Data Protection Officer is H. L. N. Jones*

If information is directly collected from a child, the privacy notice must be age appropriate.

1. **Conditions for Processing**

Processing of personal information may only be carried out where one of the conditions of Article 6, GDPR has been satisfied.

Processing of special category data may only be carried out if a condition in Article 9, GDPR is met as well as one in Article 6.

1. **Disclosure of Data**

It is a criminal offence to knowingly or recklessly obtain or disclose information about an individual without legitimate cause. Relevant, confidential data should only be given to:

* *other staff members on a need to know basis;*
* *relevant parents/guardians;*

*other organisations if it is necessary in the public interest, e.g. prevention of crime;*

* *other authorities, such as the Local Education Authority and schools to which a pupil may move, where there are legal requirements*
* *organisations that collaborate with the school or that are part of an information sharing protocol*

The school should not disclose anything on a pupil’s record which would be likely to cause serious harm to their physical or mental health or that of anyone else.

Where there is doubt or statutory requirements conflict, advice should be sought.

When giving information to an individual, particularly by telephone, it is most important that the individual’s identity is verified. If in doubt, questions should be asked of the individual, to which only he/she is likely to know the answers. Information should not be provided to other parties, even if they are related. For example: in the case of divorced parents it is important that information regarding one party is not given to the other party to which he/she is not entitled.

1. **Individuals' rights**

**Access to information about themselves**

Anyone has the right, to request a copy of all information retained about them by the school (or information about a child they are responsible for).

When a request is received, it must be dealt with promptly; an answer must be presented as soon as possible within a month. The period can be extended by up to two months if a request is complex or numerous.

No fee can be charged. However, if a request is unfounded, excessive and has been submitted previously, there is a right to charge an administrative fee.

When providing information, the school must also provide the same details to the individuals as those provided in a privacy notice.

Up to £50 (on a sliding scale for photocopying fees) can be charged for access to a pupil's educational record.

* + - 1. **Provision of data to children**

In relation to the capacity of a child to make a request, guidance provided by the Information Commissioner’s Office states that by the age of 12 a child can be expected to have sufficient maturity to understand the nature of the request. A child may of course reach sufficient maturity earlier; each child should be judged on a case by case basis.

If the child does not understand the nature of the request, someone with parental responsibility for the child, or a guardian, is entitled to make the request on behalf of the child and receive a response.

Pupils who submit requests to access their educational records should be allowed to do so unless it is obvious that they do not understand what they are asking for.

* + - 1. **Parents' rights**

An adult with parental responsibility can access the information about their child, provided that the child is not considered to be sufficiently mature. They must be able to prove their parental responsibility and the School is entitled to request relevant documentation to evidence this as well as the identities of the person making the request and the child.

In addition, parents have their own independent right under The Education (Pupil Information) (Wales) Regulations 2004 to access to the official education records of their children. Students do not have a right to prevent their parents from obtaining a copy of their school records.

1. **The right to request that inaccurate information is corrected**

Every individual has the right to inform the school if they believe that information about them has been recorded incorrectly.

Up to one month is allowed to respond to requests, however, this could be extended by up to a further two months if the application is bulky or complicated;

It may be possible that one will be unable to change or delete the information on every occasion, but anything that is factually incorrect should be corrected;

In the meantime, a notice should be placed on the person's file to note that there is doubt regarding accuracy.

1. **The right to request that information is deleted**

Every individual, in some circumstances, has the right to make a request to delete information about themselves. The school will consider every request on an individual basis.

1. **The right to object to or restrict processing**

Every individual has the right to object to their information being processed under the following circumstances:

* We have processed their information on the basis of lawful interests or an official public/authority task;
* Where there is public marketing;
* Processing due to research or statistics.

The school will comply with the request unless:

* + There are strong, lawful reasons for processing;
	+ There is a need to establish, exercise or defend legal claims.

In terms of limiting processing, there is a right to do so if individuals insist that data is incorrect and therefore, it must be limited during the investigation; where individuals have objected; where processing is illegal and where the school does not require the data but individuals require it in order to defend a legal claim.

There will be a need to inform any third party that has received the data of the need to limit processing, and to inform the individual of the identity of these third parties.

1. **Security**

**Paper records**

Whenever possible, storage rooms, strong cabinets, and other lockable storage systems should be used to store paper records. Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access. Particular care should be taken if documents have to be taken out of school

**Electronic Records**

All portable electronic devices should be kept as securely as possible. If they contain personal information, they should be kept under lock and key when not in use.

Encryption software should be used to protect all portable devices and removable media, such as laptops and USB devices (or another form of memory storage not part of the computer itself), which hold confidential personal information. All devices must be password protected.

Data must be disposed of securely once it has been transferred or is no longer required.

Strong passwords, i.e. at least eight characters long and containing special symbols, should be encouraged if any electronic equipment holds confidential personal information. Different passwords should be used for separate systems and devices.

**Disposal**

If any confidential information is held on paper records, they should be shredded; electronic memories should be erased or destroyed.

**Data Breach**

A data breach means that personal information has been compromised or lost which could be as a result of a cyber incident; data left in insecure location; data posted to the wrong recipient; loss or theft of paperwork or insecure device etc.

The school will investigate any such breaches and take appropriate remedial action. Serious data breaches will be reported to the Information Commissioner’s Office.

1. **Data Retention**

Out of date information should be disposed of if no longer relevant. Information should only be kept as long as needed, for legal or business purposes.

1. **Data Recording**

Records should be kept in such a way that the individual concerned can inspect them. It should also be borne in mind that at some time in the future the data may be inspected by the courts or any legal official. It should therefore be correct, unbiased, unambiguous and clearly decipherable/readable. Where information is obtained from an outside source, details of the source and date obtained should be recorded.

1. **Website**

Any person whose details, or child’s details, are to be included on the school’s website will be required to give written consent. At the time the information is included, all such individuals will be properly informed about the consequences of their data being disseminated worldwide.

1. **Photographs**

Photos taken for official school use may be covered by DPL and the School will advise pupils and students why they are being taken.

Photos taken purely for personal use are exempt from DPL.

1. **Sharing Information**

When sharing personal information, the school will ensure that:

* it is allowed to share it;
* adequate security (taking into account the nature of the information) is in place to protect it; and
* it will provide an outline in a privacy statement of who receives personal information from the school.

Any personal data passed to a third party for processing (namely an external company) will be covered by a data processing agreement.

1. **CCTV**

Capturing and/or recording images of identifiable individuals is an example of processing personal information and therefore needs to comply with DPL.

The school will notify staff, pupils and visitors why it is collecting personal information in the form of CCTV images.

The school will ensure that it has a set retention period based on the possible need to review the footage and will consider who is allowed access to this footage and why.

Individuals and law enforcement agencies will have the right to request access to the images. All such requests will be logged.

1. **Biometric Information (fingerprinting) - OPTIONAL**

The Protection of Freedoms Act 2012 includes measures relating to the use of biometric identification systems, i.e. fingerprinting and facial recognition systems.

Under the GDPR, it is recognised that this type of data is special category data

* For every school pupil under the age of 18, the school will obtain the written consent of parents before recording and processing their child’s biometric details.
* All such data must be handled appropriately and in accordance with DPL principles.
* Alternative methods of service provision must be identified if a parent or pupil refuses to provide consent.
1. **Breach of the policy**

Non-compliance with the requirements of DPL by the members of staff could lead to serious action being taken by third parties against the school authorities. Non-compliance by a member of staff is therefore considered a disciplinary matter which, depending on the circumstances, could lead to dismissal. It should be noted that an individual can commit a criminal offence under the Act, for example, by obtaining and/or disclosing personal data for his/her own purposes without the consent of the data controller.

**Appendix 1**

**Article 6 Conditions (summary)**

6(1)(a) – Individual's consent;

6(1)(b) – Processing is necessary for a contract;

6(1)(c) – Processing is necessary to comply with a legal duty;

6(1)(d) – Processing is necessary for the individual's vital interests;

6(1)(e) - Processing is necessary as it undertakes a task in the public's interest

6(1)(f) – Processing is necessary for the purposes of legitimiate interests of the data controller or third party

**Article 9 Conditions (summary)**

9(2)(a) – Processing with the specific consent of the individual;

9(2)(b) – Processing is necessary under employment law;

9(2)(c) – Processing is necessary to protect the individual's vital interests;

9(2)(d) – Processing for the use of a special category group (Not-for-profit organisation with a political or religious aim or a trade union)

9(2)(e) – Processing relates to information made public by the individual;

9(2)(f) – Processing is necessary so that the establishment can defend legal claims;

9(2)(g) – Processing is necessary for reasons of substantial public interests based on law;

9(2)(h) – Processing is necessary to respond to the needs of Occupational Health and Social Care;

9(2)(i) – Processing is necessary for Public Health reasons;

9(2)(j) – Processing is necessary for archiving purposes in the public interest; or for scientific or historical research purposes; or for statistical purposes.

Further Special Category conditions are included in Schedule 1 of the Data Protection Act 2018.

**Appendix 2**

**The right to have access to information**

There are two distinct rights of access to information held by schools about students.

1. Under data protection legislation, any individual has the right to make a request to access the personal information held about them.

2. The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (Wales) Regulations 2004.

**Actioning a request**

1) Requests for information must be made in writing; which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

2) The identity of the person making the request must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of:

* Passport
* driving licence
* utility bills with the current address
* Birth / Marriage certificate
* P45/P60
* Credit Card or Mortgage statement

*This list is not exhaustive*.

3) Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4) The school may make a charge for the provision of information, dependent upon the following:

• Should the information requested contain the educational record, then the amount charged will be dependant upon the number of pages provided.

• Should the information requested be personal information that does not include any information contained within educational records, no fee is charged.

• if the information requested is only the educational record, viewing will be free, but a charge for the cost of photocopying the information can be made by the Headteacher.

5) The response time for subject access requests, once officially received, is one month **(not working or school days but calendar days, irrespective of school holiday periods)**. However, the one month will not commence until after receipt of fees or clarification of information sought.

If it is deemed that the request is complex or there are numerous requests, the school will inform the person making the request within a month that the request period will be extended and the reasons why. Under such circumstances, an addition of up to two months is permitted to respond to the request.

Clearly, if requests are unfounded or excessive (especially if they are repetitive), the school will charge a reasonable fee for administrative costs or refuse to deal with the request.

6) DPL allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**

7) Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the timescale.

8) Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another should not be disclosed. Information that would reveal that the child is at risk of abuse, or information relating to court proceedings should not be disclosed either.

9) If there are concerns over the disclosure of information then additional advice should be sought.

10) Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11) Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12) Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

**Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school’s complaint procedure. Complaints which are not appropriate to be dealt with through the school’s complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

**Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher*.*

Further advice and information can be obtained from the Information Commissioner’s Office ('ICO'), www.ico.gov.uk