Data Protection Impact Assessment
(Fischer Family Trust (FFT) Aspire)

Summerhill School operates a cloud based system, called Fischer Family Trust (FFT) Aspire. Access to FFT Aspire is through the internet. Resources are retrieved from FFT Aspire via the Internet, through a web-based application, as opposed to a direct connection to a server at the school. Access to FFT Aspire can be through fftaspire.org and analytics.fftaspire.org. As such Summerhill School must consider the privacy implications of such a system. The Data Protection Impact Assessment is a systematic process for identifying and addressing privacy issues and considers the future consequences for privacy of a current or proposed action. Summerhill School recognises that using a cloud based system has a number of implications. Summerhill School recognises the need to have a good overview of its data information flow.

The Data Protection Impact Assessment looks at the wider context of privacy taking into account Data Protection Law and the Human Rights Act. It considers the need for a cloud based system and the impact it may have on individual privacy. The school needs to know where the data is stored, how it can be transferred and what access possibilities the school has to its data. The location of the server is important to determine applicable law. The school will need to satisfy its responsibilities in determining whether the security measures the cloud provider has taken are sufficient, and that the rights of the data subject under the UK GDPR is satisfied by the school. Summerhill School aims to undertake a review of this Data Protection Impact Assessment on an annual basis. A Data Protection Impact Assessment will typically consist of the following key steps:

1. Identify the need for a DPIA.
2. Describe the information flow.
3. Identify data protection and related risks.
4. Identify data protection solutions to reduce or eliminate the risks.
5. Sign off the outcomes of the DPIA.

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Step 1: Identify the need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

What is the aim of the project? – Summerhill School operated a number of systems to measure attainment, performance and progress. Information was held either electronically or manually.

FFT Aspire provides an online platform which enables Summerhill School to improve its management of assessment data, target setting, analysing school performance (for self-evaluation of past performance), whilst reducing staff time, paperwork and administration.

FFT Aspire is a system which consists of an 'Assessment Tracker,' 'Attendance Tracker,' 'Curriculum Tracker,' 'FFT Benchmark,' 'Performance Analysis,' and Reading Assessment Programme.

Performance Analysis is made up of eight reports that makes evaluating school performance straight forward. Presented using a range of gauges, charts and tables, the dashboards allow school's to quickly compare its attainment and progress to both national data and similar schools.

Target Setting FFT Benchmark estimates enable a school to set targets and measure progress more effectively. Targets can be personalised with varying levels of challenge to suit individual pupil's needs specific to the local school setting.

All estimates are based on the latest KS1 and KS2 frameworks, using the new national standards. FFT benchmark estimates provides realistic targets for the pupils at the school.

FFT Pupil Tracker includes **Assessment Tracke**r which automatically brings school summative assessments together in one place using the DfE scaled scores. This enables like-for like comparisons over time, whatever assessments the school uses. **Curriculum Tracker** enables all school formative assessment data to be recorded using standard curriculum templates or the school's own bespoke objectives.

Attendance Tracker provides live week-by-week reporting for the school. It allows the school to track and analyse school's attendance data and then compare it against thousands of other FFT schools each week.

Reading Assessment Program gives primary schools the ability to accurately assess pupil's reading skills.

It offers the solution covering all phonics skills, key aspects of decoding, fluency and comprehension and is matched to the Letters and Sounds Progression. All results are easily reported through a clear dashboard for every pupil.

The data is collected automatically and presented in easy-to-understand reports ready for the use by schools. The 360 report enables a school to get a complete picture of attendance at school.

FFT Aspire enables the school to track progress and include data regarding Looked after Children, Pupil Premium, Bursary, Ethnicity, and additional needs. This functionality enables Summerhill School to track Assessment which can all be recorded on the system, in a safe, secure and searchable method. FFT Aspire has a website which states that all of their data processing and storage resides with their hosting provider Amazon Web Services (AWS) data centre in London. No other third party is involved as a data processor.

Summerhill School will undertake the following processes:

1. Collecting personal data
2. Recording and organizing personal data
3. Storing personal data
4. Copying personal data
5. Retrieving personal data
6. Deleting personal data

By opting for FFT Aspire the school aims to achieve the following:

1. Management of assessment pupil information in one place
2. Security and integrity of sensitive data through a secure password protected login.
3. Storage of information electronically rather than manually
4. Recording information and building a chronology around the pupil
5. Alerting staff and setting up reminders as appropriate
6. Providing bespoke reports for difference audiences, e.g. Governors or Ofsted
7. Tracking vulnerable groups and identifying trends

8. Ability to add information from Teachers and HLTA's and a small number of TA's across the school
9. Secure access across all devices wherever the setting

The school currently holds the information in hard and electronic copy formats. These are kept securely. The school recognizes that having a manual record has the potential for third party access to sensitive data or loss of information as a result of fire and flooding. By purchasing an electronic system this goes some way to mitigate against this risk. Cloud based systems enable the school to upload information to a hosted site to share securely with other members of staff. These files can then be accessed securely from any location or any type of device (fftaspire.org and analytics.fftaspire.org).

FFT Aspire is the data processor and cannot do anything with the school's data (the data controller) unless they have been instructed by the school. The schools Privacy Notice will be updated accordingly. Summerhill School has included FFT Aspire within its Information Asset Register.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

The Privacy Notices (pupil) for the school provides the lawful basis of why the school collects data. The lawful basis in order to process personal data in line with the 'lawfulness, fairness and transparency principle is as follows:

6.1 (c) Processing is necessary for compliance with a legal obligation to which the controller is subject; e.g. health & safety and safeguarding

6.1 (e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

6.1 (f) Processing is necessary for the purposes of the legitimate interest pursued by the controller or by a third party

The lawful basis for collecting special category information relates to Article 9 2 (g) *processing is necessary for reasons of substantial public interest and is authorised by domestic law.*

The school has considered the lawful basis by which it processes personal data. This is recorded in Summerhill School Privacy Notice (Pupil) and where appropriate in Privacy Notice (Workforce).

How will you collect, use, store and delete data? – FFT Aspire collects information from the school's management information system and/or csv file. The information is retained according to the school's Data Retention Policy.

What is the source of the data? – School Pupil Data includes information obtained from schools and organisations supporting schools (i.e. local authorities, academy trusts and other education providers) including, in addition to pupil data provided by the DfE, details of which pupils are on-roll, absence information, pupil estimates and targets, teacher assessments, assessment results from tests, allocation to pupil groups and data in respect of which teachers taught particular pupils.

Department for Education (DfE) Pupil Data is provided to FFT Aspire by the DfE concerning current and former pupils including their name, date of birth, gender, language, ethnicity, school(s) attended, and the home census output area, school exam and assessment information, and any special educational needs and attendance and absence information.

Will you be sharing data with anyone? – FFT Aspire will not sell, exchange or otherwise distribute personal data to anyone without the consent of Summerhill School as the data controller. FFT Education Privacy Notice sets out the lawful basis for processing personal data including basis of legitimate interest.

What types of processing identified as likely high risk are involved? – The information is transferred securely from the school to the server which is hosted remotely on a server within the UK. Access to information on FFT Aspire is controlled through passwords, with additional security to the most sensitive information.

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

What is the nature of the data? – Details of which pupil are on-roll. Current and prior attainment data for each of the key stages covered by Summerhill School. Pupil absence information, pupil information from School Census, pupil estimates, targets and assessments and information on allocation of pupils to pupil groups.

Special Category data? – The DfE Pupil Data and School Pupil Data FFT Aspire processes does include special categories of personal data. This data includes language, ethnicity and information about special educational needs and is used to ensure equality of opportunity and treatment. For example, it may be used to create "value added" models to compare the progress of pupils with similar characteristics in different schools. The lawful basis for collecting special category information relates to Article 9 2 (g) *processing is necessary for reasons of substantial public interest and is authorised by domestic law in respect to* The Children Act and subsequent amendments and The Education Act. The lawful basis is also covered by Schedule 1, part 2, paragraph 8 (Substantial Public Interest Conditions - equality of opportunity or treatment).

How much data is collected and used and how often? – Pupil information is collected via registration forms when pupils join the school, pupil update forms the school issue at the start of the year, Common Transfer File (CTF) or secure file transfer from previous schools. Pupil information also includes classroom work, assessments and reports. It is reviewed termly and updated as necessary. The DfE also provides DfE Pupil Data.

How long will you keep the data for? – School Pupil Data will be deleted by FFT Aspire no longer than 6 months after either: (1) the school informs FFT that the pupil has left; (2) the pupil completes the highest national curriculum key stage for the school; (3) the school's FFT Aspire subscription comes to an end.

The school follows the good practice in terms of data retention as set out in the IRMS Information Management Toolkit for Schools and within the school's Data Retention Policy.

Scope of data obtained? – How many individuals are affected 1050. The geographical area covered is from Year 6 to Year 11.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

What is the nature of your relationship with the individuals? – Summerhill School collects and processes personal data relating to its pupils to ensure the school provides education to its students delivering the National Curriculum.

Through the Privacy Notice (Pupil) Summerhill School is committed to being transparent about how it collects and uses data and to meeting its data protection obligation.

How much control will they have? – Not all staff will have access to the software application. FFT Aspire provides secure role based access controls which is an approach to restricting system access to authorized users. Access to the data held on FFT Aspire will be controlled by username and password.

Access to FFT Aspire can be revoked at any time. As a default, passwords must be changed every 30 days.

The school will be able to upload personal data from its PC for the data to be stored remotely. Any changes made to files are automatically copied across and immediately accessible from other devices the school may have.

Do they include children or other vulnerable groups? – All of the data will relate to children. The information will relate to assessment data including sensitive data.

Are there prior concerns over this type of processing or security flaws? – How is the information stored? Does the cloud provider store the information in an encrypted format? What is the method of file transfer? How secure is the network and what security measures are in place?

Summerhill School recognises that moving from a manual system to an electronic system which holds sensitive personal data in the cloud raises a number of General Data Protection Regulations issues as follows:

- **ISSUE:** FFT Education Ltd will be storing personal data
  RISK: There is a risk of unauthorized access to information by third parties
  MITIGATING ACTION: FFT Education Ltd software has been designed from the start to be highly secure. Security tests are carried out by FFT Education Ltd's own test team with additional checks being carried out by an external Crest Approved Security Tester

- **ISSUE**: Transfer of data between the school and the cloud
  RISK: Risk of compromise and unlawful access when personal data is transferred.
  MITIGATING ACTION: All data is encrypted from source and in transit from FFT Aspire to the data centre and back again to the data controller

- **ISSUE:** Cloud solution and the geographical location of where the data is stored
  RISK: Within the EU, the physical location of the cloud is a decisive factor to determine which privacy rules apply. However, in other areas other regulations may apply which may not be Data Protection Law compliant
  MITIGATING ACTION: Personal data is stored at the Amazon Web Services (AWS) data centre in London. This means that the UK GDPR privacy rules apply to the cloud based service. FFT Education Ltd does not transfer pupil data outside the UK

- **ISSUE:** FFT Education Ltd as a third party processor and privacy commitments respecting personal data, i.e. the rights of data subjects
  RISK: UK GDPR non-compliance
  MITIGATING ACTION: FFT Education Ltd Privacy Notice highlights the specific rights under GDPR for personal data and provides contact details if a data subject wishes to exercise those rights. It is advisable that any contract with the school incorporates these privacy commitments

- **ISSUE:** Implementing data retention effectively in the cloud
  RISK: UK GDPR non-compliance
  MITIGATING ACTION: School Pupil Data will be deleted by FFT Education Ltd no longer than 6 months after either: (1) the school informs FFT that the pupil has left; (2) the pupil completes the highest national curriculum key stage for the school; (3) the school's FFT Aspire subscription comes to an end. School to take into consideration backups and if the data is stored in multiple locations and the ability to remove the data in its entirety

  Details of FFT Aspire users and their system usage are retained for up to 7 years for audit purposes

- **ISSUE:** Responding to a data breach
  RISK: UK GDPR non-compliance
  MITIGATING ACTION: FFT Education Ltd has put in place procedures to deal with any suspected personal data breach and will notify the school and the regulator of a breach where legally required to do so

- **ISSUE:** Subject Access Requests
  RISK: The school must be able to retrieve the data in a structured format to provide the information to the data subject
  MITIGATING ACTION: FFT Education Ltd Privacy Notice highlights the specific rights under UK GDPR for personal data and provides contact details if a data subject wishes to exercise those rights. By exercising those rights FFT Education Ltd has the technical capability to ensure the school can comply with a data subject access requests through Aspire pupil reports

  The information required for schools to respond to a pupil subject access request is available through FFT Aspire pupil reports which can be created in a number of electronic formats (e.g. PDF or excel)

- **ISSUE:** The right to be informed; the right of access; the right of rectification; the right to erasure; the right to restrict processing; the right to data portability; the right to object
  RISK: The school is unable to exercise the rights of the individual

MITIGATING ACTION: FFT Education Ltd Privacy Notice highlights the specific rights under UK GDPR for personal data and provides contact details if a data subject wishes to exercise those rights

The information required for schools to respond to a pupil subject access request is available through FFT Aspire pupil reports which can be created in a number of electronic formats (e.g. PDF or excel)

- **ISSUE:** Data Ownership
  RISK: UK GDPR non-compliance
  MITIGATING ACTION: The school as data controller maintains ownership of the data. FFT Education Ltd is the data processor. This relationship is documented in FFT Education Ltd Data Protection and Information Security statement

- **ISSUE:** Cloud Architecture
  RISK: The school needs to familiarise itself with the underlying technologies the cloud provider uses and the implications these technologies have on security safeguards and protection of the personal data stored in the cloud.
  MITIGATING ACTION: This should be monitored to address any changes in technology and its impact on data to enable UK GDPR compliance

- **ISSUE:** Security of Privacy
  RISK: UK GDPR non-compliance
  MITIGATING ACTION: FFT Aspire has certifications for ISO27001 (the international standard for information security) and Cyber Essentials Plus (the UK government standard for information security)

  Cyber Essentials: Cyber Essentials is a government-backed certification scheme designed to protect organisations from 80% of common cyber-attacks and increase cyber security Arbor are certified with Cyber Essentials and are audited annually. This means Arbor IT systems are security approved by an accreditation body selected by the NCSC and Arbor have technical defences in place against cyber threats

  ISO 27001: is one of the most widely recognized, internationally accepted independent security standards. Arbor has earned ISO 27001 certification

for the systems, applications, people, technology, processes, and data centres that make up its shared Common Infrastructure

As a requirement of the Department for Education for the ASP concession (FFT's access to national pupil datasets), FFT Aspire undergoes an annual IT Health Check (ITHC) by a Crest Approved Security Tester. This includes a code review. FFT Aspire has fully satisfied the DfE's information security requirements. All of FFT's staff are BPSS (Baseline Personnel Standard Security) checked. FFT Education Ltd is registered with the ICO (Registration number: Z492358X)

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

The school moving to a cloud based solution for assessment will realise the following benefits:

1. Management of sensitive assessment data for pupils in one place
2. Security and integrity of sensitive data through a secure server
3. Storage of information electronically rather than manually
4. Recording information and building a chronology around the pupil
5. Alerting staff and setting up reminders as appropriate
6. Providing bespoke reports for difference audiences, e.g. Governors or Ofsted
7. Tracking vulnerable groups and identifying trends
8. Ability to add information from staff across the school
9. Secure access across all devices wherever the setting

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

The views of senior leadership team and the Board of Governors will be obtained. Once reviewed the views of stakeholders will be taken into account. The view of YourIG has also been engaged to ensure Data Protection Law compliance

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

The lawful basis for processing personal data is contained in the school's Privacy Notice (Pupil). The lawful basis includes the following:

- The Education Act
- The Childcare Act 2006
- The Children Act

The school has a Subject Access Request procedure in place to ensure compliance with Data Protection Law. FFT Aspire will enable the school to uphold the rights of the data subject? The right to be informed; the right of access; the right of rectification; the right to erasure; the right to restrict processing; the right to data portability; the right to object; and the right not to be subject to automated decision-making? These rights will be exercised according to safeguarding considerations. The school will continue to be compliant with its Data Protection Policy.

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
	Remote, possible or probable	Minimal, significant or severe	Low, medium or high
Data transfer; data could be compromised	Possible	Severe	Medium
Asset protection and resilience	Possible	Significant	Medium
Data Breaches	Possible	Significant	Medium
Subject Access Request	Probable	Significant	Medium
Upholding rights of data subject	Probable	Significant	Medium
Data Retention	Probable	Significant	Medium

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	**Options to reduce or eliminate risk**	**Effect on risk**	**Residual risk**	**Measure approved**
		Eliminated reduced accepted	Low medium high	Yes/no
Data Transfer	Secure network, end to end encryption	Reduced	Medium	Yes
Asset protection & resilience	Data Centre in UK, Certified, ISO 27001	Reduced	Medium	Yes
Data Breaches	Documented in contract and owned by school	Reduced	Low	Yes
Subject Access Request	Technical capability to satisfy data subject access request	Reduced	Low	Yes
Upholding rights of data subject	Technical capability to satisfy rights of data subject	Reduced	Low	Yes
Data Retention	Implementing school data retention periods as outlined in the IRMS Information Management Toolkit for Schools	Reduced	Low	Yes

Step 7: Sign off and record outcomes

Item	Name/date	Notes
Measures approved by:	Tim Harris	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	[Yes/No]	DPO should advise on compliance, step 6 measures and whether processing can proceed

Summary of DPO advice: Technical recommendations to be clarified with third party as follows:

(1) How is the information stored on the server? *(E.g. is the server shared with other schools, what security is in place to maintain the integrity of the school's data?)* Each school has its own login portal and can only see that school.
Where is the server located? Amazon Web Services (AWS) data centre in London

(2) Do you store the information in an encrypted format? *(If not how is the information stored?)* Yes

(3) What is the method of file transfer from school to the remote server and vice versa? *(Is it via a secure network?)* It is via a secure server connection

(4) How secure is the network? *(The school wishes to mitigate against the risk of compromise or unlawful access when personal data is transferred)* Encrypted via server connection

(5) What security measures are in place? *(Firewalls, etc.?)* Dudley LA firewall

(6) What certification does FFT Aspire have? *(E.g. ISO 27001 certified, etc.)*
FFT Education Ltd is registered with the ICO, ISO 27001 and Cyber Essentials Plus

DPO advice accepted or overruled by: [Accepted/Not accepted]

If overruled, you must explain your reasons

Comments:

Consultation responses reviewed by: [Yes/No]

If your decision departs from individuals' views, you must explain your reasons

Comments:

| This DPIA will kept under review by: | Vicki Poole | The DPO should also review ongoing compliance with DPIA |