



GUIDANCE ON DATA PROTECTION CONSENT IN OASIS ACADEMIES

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Introduction

Oasis is committed to processing personal data in an open and transparent manner both in accordance with our Ethos and the applicable regulations.

There must be a lawful basis for all of our data processing. Whilst much of our data processing is undertaken because of our statutory obligations as part of our work in transforming communities, it is vital that, where required, we are seeking the proper consent from data subjects to ensure that we are providing genuine choice as to whether we are processing their data.

This document is designed to provide guidance to Oasis Academies on the processing activities that are undertaken that positively require data processing consent and how to legally go about collecting and managing that consent. It is assumed that other areas of data processing are undertaken under another legal basis. However, if there are areas where it is felt that consent is required then please make contact with the DPO via the Data Protection Portal to confirm.

Guidance on Data Protection Consent

Data Protection Consent as a Lawful Basis of Processing

The GDPR (General Data Protection Regulations) says that personal data can only be processed under six lawful bases.

For OCL, our main lawful basis is “public task”. That means we have to process personal data to perform a specific task in the public interest that is set out in law – i.e. to educate our students. This is clearly explained in OCL’s Privacy Notice, which is on our website.

Very little of our processing of personal data is covered by the lawful basis of “consent”. That is because under “public task” we do not need data subjects’ prior agreement to process their data.

The list below shows the main activities within Oasis which fall under the lawful basis of “consent” because they fall outside our statutory responsibilities. Consent must be obtained in writing for those activities and entered in Bromcom where it relates to students, and a copy of the written consent must be retained in line with OCL’s Retention Policy.

The list is non-exhaustive. Any other activities may need bespoke consent. Appendix A shows a sample consent form which you can adapt. If you need to obtain bespoke consent the section below explains what you need to consider. If you need guidance or help to draft a consent, please post a query to the DPL form or contact OCL’s Data Protection Officer.

For students aged under 13 or who lack mental capacity, the parent’s consent is required. For students aged 13 or over, the student’s consent is required. In some cases parental consent is also necessary, even when the student is over 13.

GDPR says that there is no set time limit for consent. How long it lasts will depend on the context. The general advice to Oasis Academies is that consent should not be maintained for longer than three years, but you should seek to refresh the consent annually.

Some activities require “permission” rather than “consent”. The difference is that some activities need prior explicit agreement but have nothing to do with data protection or the processing of personal data. An example is parental agreement to a student going on a trip or visit – a “permission”.

Data Protection Consent Required in Oasis Academies

List of activities requiring parental/carer consent

- To use images of the student within the academy (banners, plasma screens, displays, etc.) (photographs, video)
- To use images of the student in academy external print publications, e.g. academy prospectus
- To use images of the student on academy website (photographs, video)
- To use images of the student in academy newsletter (emailed to parents and published on website)
- To use images of the student on academy social media (photographs, video)
- To release personal data (name, images) to local or national media (academy or Oasis national team)
- To process the student's biometric data (e.g. catering)
- To receive marketing information about events in the academy, the hub and the local community
- To receive information from Oasis about its work in the UK and worldwide
- To use images of the student within the Oasis national office (banners, plasma screens, displays, etc.) (photographs, video)
- To use images of the student in Oasis national internal and external print publications e.g. Governance Explained Handbook
- To use images of the student on Oasis national website (including photographs, video)
- To use images of the student on Oasis national social media (photographs, video)

List of activities requiring student's consent if aged 13 or over:

In secondary schools, the student's own consent must be given in addition to their parent's, where the student is aged 13 or above.

- To use my image within the academy (banners, plasma screens, displays, etc.) (photographs, video)
- To use my image in academy external print publications, e.g. academy prospectus
- To use my image on academy website (photographs, video)
- To use my image in academy newsletter (emailed to parents and published on website)
- To use my image on academy social media (photographs, video)
- To release my personal data (name, images) to local or national media (academy or Oasis national team)
- To process my biometric data (e.g. catering)
- To receive marketing information about events in the academy, the hub and the local community
- To receive information from Oasis about its work in the UK and worldwide
- To use my image within the Oasis national office (banners, plasma screens, displays, etc.) (photographs, video)
- To use my image in Oasis national internal and external print publications e.g. Governance Explained Handbook
- To use my image on Oasis national website (including photographs, video)
- To use my image on Oasis national social media (photographs, video)

Recording Data Protection Consent in Bromcom

The expectation is that academies will make use of the Bromcom MIS system to record data protection consent. There are specific fields that correspond to the consent types above that should be used to record the consent in these areas. It is important that the specific consent fields provided are used so that standard reports etc can be shared between academies.

Where an academy wishes to record a permission that does not relate to a data protection issue, this should be recorded in the specific field associated with it in the system or in a user defined field and not by adding in an additional data protection consent type.

General Advice on Gaining Data Protection Consent

The GDPR sets out some specific requirements when you are gaining consent. These can be broadly summarised as:

- **Unbundled:** Consent must be separate from other terms and conditions. It is therefore important to separate out things that you are asking consent for and data that you are processing on another legal basis. Good practice would be to format a document in such a way as it is clear where consent is being obtained.
- **Active opt-in:** Data Subjects must undertake a positive act to provide the consent. Pre-ticked opt-in boxes are not acceptable. Unticked opt-in boxes or similar active opt-in methods should be used. It is never acceptable to assume consent where it is required so you must not use an opt out.
- **Granular:** Consent for different processing activities and scenarios must be given separately.
- **Named:** Organisations and any third parties who will rely on consent should be named. It means that if you pass the information processed on the basis of consent to another organisation you must include details of who they are when gaining the consent. Categories of third-party organisations are not allowed.
- **Easy to withdraw:** It should be clearly stated that users/people have the right to withdraw consent at any time, and you should specify how they can do this. It must be as easy for users to withdraw as it was to give consent. This requires us to put simple and effective withdrawal mechanisms in place.
- **Freely Given:** Consent should not be a precondition of providing a service so it means that anything that you require students and staff to do cannot be carried out on the basis of consent.
- **Documented:** consent can be given verbally, but it must be documented

Appendix A: Standard wording to be used

To be included where consent is being sought from the parent

To be completed by Parent/Guardian

The Academy would like to seek your consent for the following:

<Insert Consent Causes>

By providing the information in the consent section of this form you give permission for OCL to use the information for the purposes specified. OCL will not use this information for other purposes or pass the information to other organisations without seeking consent from you, or unless we are legally compelled to do so. You can choose to withdraw this consent at any time by contacting the Academy on:

Email:

Address:

We will seek to refresh this consent from time to time to ensure that you are still happy for us to process this information. If we do not refresh your consent within three years of the date of this consent then we will delete this data.

Signed:

Date:

Print:

To be included where consent is being sought from the student

To be completed by the student

The academy would like your permission to do the things that are described below. It is your choice whether you allow the academy to do the things which are described below and if you do not want us to then it is ok not to complete this part of the form. You will not get into trouble and it will not affect anything else that happens at school. If you are not sure about anything that is described below then please talk to: <INSERT APPROPRIATE CONTACT> and they will be able to explain it to you.

<Insert Consent Causes using age appropriate language>

By providing the information in this section of this form you give consent for the Academy to use the information for the reasons explained. The Academy will not give this information to anyone else unless we are forced to by law. You can change your mind about this at any time by contacting: <INSERT APPROPRIATE CONTACT>. We might ask you again if you are still happy for us to carry on doing the things that you have given your consent for, but we will only carry on doing this for three years. If you don't give us consent again after three years, we will delete the information. You can find out more about what we do with your information by looking on the Academy website or by contacting reception.

Signed:

Date:

Print:

To be included where consent is being sought on behalf of the student

To be completed by Parent/Guardian

Due to the age of your child, the Academy would like to seek your consent on their behalf for the following:

<Insert Consent Causes>

By providing the information in the consent section of this form you give consent on behalf of your child for OCL to use the information for the purposes specified. OCL will not use this information for other purposes or pass the information to other organisations without regaining consent from you, or unless we are legally compelled to do so. You can choose to withdraw this consent at any time by contacting the academy on:

Email:

Address:

When your child is able to make decisions about the use of the information set out in this section of the form then we will need to seek their consent directly to continue processing this information. At which point we will stop processing the information on the basis of your consent. We will seek to refresh your consent from time to time to ensure that you are still happy for us to process this information on behalf of your child. If we do refresh your consent within three years of the date of this consent, then we will delete this data.

Signed:

Date:

Print:

Document Control

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Owner

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Contact in case of query

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Approvals

This document requires the following approvals:

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