



*Growing the seeds  
for Lifelong learning*

# **Consent and Consent Withdrawal Procedure**

# 1. Overview

All personal data under the General Data Protection Regulation (GDPR) must be lawfully processed. Consent is a legal basis which can be used to ensure that personal data is lawfully processed. However, the use of consent is onerous and wherever possible an alternative legal basis should be sought. The School may be required to seek consent from Data Subjects which include staff, parents/guardians and pupils.

Consent provides individuals with real choice and control over use of personal data. Genuine consent puts individuals in charge, builds customer trust and engagement, and enhances reputation.

The GDPR provides five other ways of processing data that may be more appropriate than consent particularly in the education sector. It is unlikely that consent will be used for curricular activities as sufficient statutory powers exist which provide a more suitable legal basis.

Data subjects have the specific right to withdraw consent. The school are required to inform data subjects about their right to withdraw, and offer them easy ways to withdraw consent at any time.

## 2. Responsibilities

The School (as a data controller) is responsible for requesting, recording and managing consent which includes processing withdrawal of consent from data subjects.

## 3. Consent Procedure

The School shall be able to demonstrate that the data subject has given explicit consent to the processing of his or her personal data.

Wherever consent is requested, clear, plain language that is easy to understand will be used. Data subjects will be required to positively opt in (pre ticked 'opt out' boxes will not be used).

### 3.1 Requesting Consent

Consent must be freely given and the data subject must have a genuine choice as to whether or not they wish to provide their personal data. For example a staff noticeboard with photographs is not essential for the running of the school and therefore consent is likely to be required.

Pupils will be provided with age appropriate privacy notices.

When relying on general consent, the School ensure that the pupil understands what they are consenting to. The School will not exploit any imbalance in power in the relationship between the School and the pupil.

Extra Curricular activities which require the use of personal data (such as school photographs, after school Clubs) are likely to require written consent as there is unlikely to be another legal basis which applies.

The GDPR does not prescribe the age at which a pupil is considered to be a child with the exception of online services which is 13 years of age. The School shall be able to demonstrate that, where the data subject has given explicit consent to the processing of his or her personal data for online services, and the processing relates to a pupil under 13 years old, additional consent has been received by the person who is the holder of parental responsibility over the pupil.

The School shall be able to demonstrate that reasonable efforts have been made to establish the authenticity of the parental responsibility.

## 3.2 Recording Consent

The school will be responsible for keeping records of how and when consent was obtained. Records of consent and privacy notices which were provided should be retained for the duration of the processing activity. See Appendix 1 for an example pupil consent form.

## 3.3 Managing Consent

The school will regularly review records of consent to ensure that they remain relevant and up-to-date. If the consent held by the school is no longer relevant, re consent will be sought at the appropriate time.

## 3.4 Withdrawal of Consent

The school will ensure that individuals are able to withdraw their consent at any time and ensure that requests are promptly processed. See Appendix 2 for a Consent Withdrawal Form. Data subjects who choose to withdraw consent will not be penalised in any way.

## 4.0 Compliance

All staff are expected to comply with the School's policies to the highest standards. If any School employee is found to have breached this policy, they may be subject to the School disciplinary procedure. If a criminal offence is considered to have been committed, further action may be taken to assist in the prosecution of the offender(s).

Status:[Approved	Approved by Governing Body date: Sept 2018	
Last Updated:	Next Review: Sept 2019	Version: 1.0

## Appendix 1 – Example Pupil consent form



*Growing the seeds  
for lifelong learning*

<b>Child's name:</b>		<b>Class:</b>	
----------------------	--	---------------	--

### Consent form for taking and using photos GDPR Compliant

Dear Parents and Carers,

At Grange Primary School, we sometimes take photographs of pupils. We use these photos in a variety of ways including the school's prospectus, on the school's website, newsletters and on display boards around school.

We would like your consent to take photos of your child, and use them in the ways described below. If you are not happy for us to do this, that is not a problem – we will accommodate your preferences.

#### **Why are we asking for your consent again?**

You may be aware that there are new data protection rules coming in from 25<sup>th</sup> May 2018. To ensure we are meeting the new requirements, we need to re-seek your consent to take and use photos of your child. We really value using photos of pupils, to be able to showcase what pupils do in school and show what life at our school is like to others, so we would appreciate you taking the time to give consent again.

Please **tick** the relevant box(es) below and return this form to school no later than Friday 25<sup>th</sup> May 2018.

I am happy for the school to take photographs of my child.

I am happy for photos of my child to be used in all of the ways listed below :

- On the school website,
- In the school newsletter.
- In the school prospectus.
- In internal displays
- In the local press
- In the school leavers' Book

I am **NOT** happy for the school to take or use any photos of my child.

Parents/Carers have the right to withdraw consent at any time. If you change your mind at any time, you can let us know by emailing [info@grange.newham.sch.uk](mailto:info@grange.newham.sch.uk) or just popping in to the school office.

If you have any other questions, please get in touch.

<b>Parent / carer's Name</b>	
<b>Parent / carer's signature</b>	
<b>Date</b>	

