

DPO NEWSLETTER



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As we approach the end of another busy academic year, this final issue includes some updates and reminders to help support your ongoing data protection responsibilities. We hope that you find this helpful and, as always, our team is here to support you. If you have any questions or concerns, please do not hesitate to get in touch:



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● ICO EdTech Report

The Information Commissioner's Office (ICO) recently published a [report](#) following audits of 28 major education technology (EdTech) providers used in UK schools. The ICO raised 596 recommendations, with providers accepting 98% of them. The ICO found that many providers:

- Were unclear whether they were acting as a processor or controller.
- Used pupil data for their own product development, analytics, or AI functions without fully addressing their legal obligations.
- Had incomplete privacy notices and DPIAs.
- Retained pupil data for longer than necessary.
- Had weak contracts and insufficient oversight of sub-processors

Our school clients should consider the following when adopting EdTech products:

How is school data being used?

Are there any secondary uses where data is used for product development, analytics? Where they are likely to then become the controller and may also need to comply with the [Children's Code](#).

Is the data being processed excessive to the purpose? We often see providers asking for full date of birth, UPNs, ethnicity, PP/FSM indicators and SEN/Health information when it is not needed or justified.

Are the provider's transparency documents (e.g. Privacy Notices) clear on the use, purposes, retention, international transfers, use of sub-processors, and use of AI? Do they provide a child friendly version?

Is the DPA robust?

Whilst some providers will supply their own template Data Processing Agreements (DPAs), it is the controller's responsibility to determine the terms of the agreement. Providers templates should therefore not be adopted without careful consideration, or input from your DPO.

DPAs should include:

- Types of data processed
- Purposes
- Retention periods
- Deletion and terminations arrangements
- AI usage
- The use of any sub-processors
- Roles and responsibilities

Have due diligence and DPIAs been completed prior to adoption?

Whilst DPIAs are often seen as a frustration, these are key documents for considering risks and mitigations going forwards. Don't just go with a supplier because "everyone seems to use them" – conduct due diligence as necessary and according to the data being processed and the associated risk.



Have the retention and security arrangements been checked?

Ensure clear retention periods are included in the DPA, as well as any ongoing processing by the provider for their purposes – the ICO report found that 70% of providers failed to specify retention periods clearly or retained data longer than they could justify.

Ensure deletion requirements are included in the DPA - will the data be returned to you in usable format? Will the data be deleted or anonymised? Will evidence be provided to you to confirm deletion?

Ensure robust security is in place. Multi-factor authentication (MFA), patching, encryption, penetration testing, and any appropriate accreditations (ISO 27001, Cyber Essentials) are all examples of what can be considered.

Is ongoing monitoring and contract management happening?

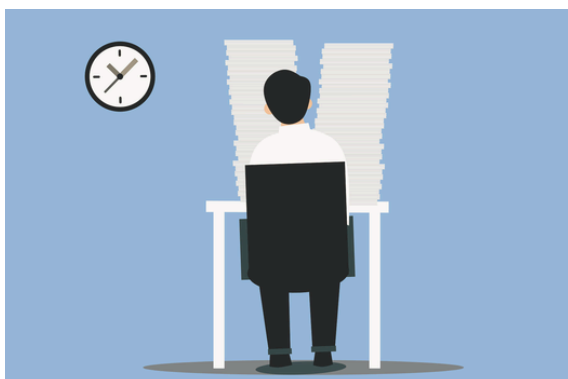
Provider engagement will set the tone from the start - providers who are more proactive with providing assurance are more likely to engage going forwards. The DPIA can input into ongoing discussions on residual risks etc, but discussions should also be had on further functionality as this can often creep through without consideration.

As your DPO we are here to support you with the adoption of EdTech – we are not here to say no, we are here as professional advisors to highlight risks and suggest mitigations. Innovation is key for all organisations, and the emergence of AI is a good example – engage with us early so that we can assist.

● Silly Season

We are seeing an increase in the number of Subject Access Requests (SARs) and requests under the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR). Whilst FOIA and EIR legislation accounts for 'working days' in its statutory response times, the ICO does not recognise working/school days for responses to SARs.

However, the ICO does recognise the practical difficulties and generally remains understanding if a school acts openly and in good faith.



A significant number of SARs are currently being processed by our schools with the view of getting them out before the end of term.

However, if you receive a SAR before the end of term please get in touch ASAP.

If you do not have any staff working during the summer holidays then please ensure you activate an out of office message to state emails will not be read until your return.

As we approach the end of term, we also often get a rise in personal data breaches as staff rush to tie things up. It is recommended that you re-emphasise the importance of not rushing when handling personal data during this busy (and hot!) period.

Email related breaches are very common and can often be prevented through taking the time and care to undertake double checks of key areas, including:

- the recipient details;
- the recipient fields used (to, cc, or bcc);
- and preview of the data being attached, linked, or otherwise shared.

● Compliance Visits

We are currently planning for the next cycle of compliance reviews and we will be in touch to arrange these with you. As usual, these will be a mix of onsite (if you are a new client) and remote reviews (via Microsoft Teams). Those that are in a healthy compliance position will likely have support calls to follow up on previous recommendations. Please ensure you prioritise booking these in (even if well in advance) to assist with your compliance journey.

You may also find it helpful to refer to the [June issue of the newsletter](#) where we covered in more detail what to expect and how to prepare for your compliance visits.

● Sun, Sea, Sand and Rest!

Lastly, we hope our school clients enjoy some well-earned rest over the summer period. It has been another challenging year. We recognise the hard work you all do with educating our young people - you all deserve a break, so please switch off and enjoy it. We are still here, so if anything does crop up during the summer period then please get in touch.

Thank you for reading

Warm wishes from all in the One West team!

