



Creating a chance to SHINE every day

Data Protection Impact Assessment (Seesaw)

The Data protection Impact Assessment is systematic process for identifying and addressing privacy issues and considers the future consequences for privacy of a current or proposed action.

Section 3 Article 35(1) states “Where a type of processing in particular using new technologies, and taking into account the nature, scope, context and purposes of the processing, is likely to result in high risk to the rights and freedoms of natural persons, the controller shall, prior to processing, carry out an assessment of the impact of the envisaged processing operation on the protection of personal data. A single assessment may address a set of similar processing operations that present similar high risks.”

**DPIA template for screening questions and completing an assessment**

The following screening questions will identify if a DPIA is required. Answering ‘yes’ to any question will require a DPIA to be completed. You may expand on the answers as work progresses.

Initiative name: <b>Using Seesaw for Remote learning and homework</b>
Name and position of individual responsible of DPIA: <b>Samantha Welsby (Head)</b>
Assessment Date: <b>November 2020</b>

Number	Question	No	Yes	Comments
1	Will the initiative involve the collection of new information about individuals?	No		
2	Will the initiative compel individuals to provide information about themselves?		Yes	Children taking photographs of their work and themselves.
3	Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information? NB. This includes individuals who have previously accessed information but now work for a different organisation.	No		Potentially if the videos are shown to other people
4	Will you be using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No		

5	Does the initiative involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	No		
6	Will the initiative result in you making decisions or taking action against individuals in ways which can have a significant impact on them?	No		
7	Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.	No		
8	Will the initiative require you to contact individuals in ways which they may find intrusive i.e. invasive, indiscreet, interfering or upsetting?	No		

If all questions have been answered 'no' a copy of this document should be retained in accordance with our records retention policies and as the initiative develops reference made to the screening questions in case any answers change to 'yes'. If any question has been answered 'yes' please continue to complete the rest of this template.

### **Step one – Identify the need for a DPIA**

**Explain broadly what the 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.**

**You need to check whether your processing is on the list of types of processing which automatically require a DPIA. If not, you need to screen for other factors which might indicate that it is a type of processing which is likely to result in high risk.**

Seesaw is an online learning platform that records children's observations and evidences learning experiences. It is being used by staff to meet our responsibilities of providing high quality education remotely.

Seesaw can be used to upload photographs, videos, written observation and audio snippets. Seesaw enable parents/guardians to have access to their child's profiles and be able to read staff observations and make their own contributions.

Seesaw is used across the school to deliver homework and will be used during Covid-19 if a "bubble" needs to access remote learning.

Seesaw is also used in the Early Years to inform the school's assessment of its children against the Early Years Foundation Stage Framework.

The school will be complying with Safeguarding Vulnerable Groups Act and Working together to Safeguard Children Guidelines (DfE) and will undertake the following processes:

1. Collecting personal data
2. Recording and organising personal data
3. Structuring and storing personal data
4. Copying personal data
5. Retrieving personal data
6. Deleting personal data


By opting for Tapestry the school aims to achieve the following:

1. Scalability
2. Reliability
3. Management
4. Delivery at a potentially lower cost
5. Supports mobile access to data securely
6. Update of documents in real time (where applicable)
7. Good working practice, i.e. security of access

Seesaw is a web based application which uses personal data to set up individual log ins. Seesaw. Parents are issued with log in details to input on their home devices. The school's Privacy Notice will be updated with reference to Seesaw. The school is the data controller and Seesaw is the data processor.

## **Step two - Describing 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?**
- **What types of processing identified as likely high risk are involved?**

The Privacy Notice (Pupil) for the school provide the legitimate basis of why [Newbold and Tredington C of E Primary School](#) collects data. The lawful basis in order to process personal data inline with lawfulness, fairness and transparency principle is as follows: 


6.1 (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

6.1(c) processing is necessary for compliance with a legal obligation to which the controller is subject


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;

The school has highlighted consent as the lawful basis by which it process this personal data as parents have given permission for school to use the information.

### **How will you collect, use, store and delete data?**


The information collected by the school is retained on the school's computer systems. School gives the parents/guardian a QR code to access the app, no further information is required from the parent/guardian.  The information is retained according the the school's Data Retention Policy.

### **What is the sources of the data?**

Pupil information is collected via data collection forms when a child joins the school , pupil update forms the school, issue at the start of the year and Common Transfer File (CTF) or secure transfer from previous schools. Pupil information also includes classroom work, assessment and reports. 

Parental/guardian information is obtained by the parent/guardian providing personal data relating to pupil name, their relationship to the child, first and last name of the parent/guardian and email address. This is provided by an apps consent form issued to the parent /guardian.

### **Will you be sharing data with anyone?**

[Newbold and Tredington C of E Primary School](#) routinely shares pupil information with the relevant staff within the school, schools that the pupil attends after leaving, schools within the consortium for moderation purposes, the Local Authority, the Department for Education, Health Services, Learning Support Services, Management Information Systems and various third parties including Seesaw. 

Only staff working at [Newbold and Tredington C of E Primary School](#) can see all the children's work. The class teacher can see their own class work and the Headteacher has an overview across the school. No information can Seesaw can be shares with the people without consent from parent/guardians of the children.

Permission has been given from the parent/guardian via consent to use the children's images alongside other children for the purpose of creating Learning Journals in the Early Years.

## What types of processing identified as likely high risk are involved?

Transferring of personal data from school to the cloud. Storage of personal data in the cloud.



### 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 is collected and used and how often?**
- **How often?**
- **How long will you keep the data for?**

### What is the nature of the data?

Individuals are pupils at the school and would be considered as vulnerable subjects. Other data subjects would include staff who are employed by the school. The school is the data controller and therefore has control over the data belonging to the data subjects.

Individuals have some control over this data processing under the individual data protection rights. i.e., Where data is processed for the purposes of fulfilling a public task, staff and pupils (or parents/carers on their behalf) can object to the processing of their information in this way. The school will weigh up the interests of the individuals in accordance with their interests, rights and freedoms and balance this against the school's legitimate purposes for processing the data.

Staff are constantly observing and assessing the children in their care. [Newbold and Tredington C of E Primary School](#) takes photographs and videos as evidence of the children's achievements and experiences. The school then use these to assess and monitor each child's progress and identify areas for development.

A Learning Journal is a record of each child's learning and shows a snap shots of children's achievement and progress in relation to the Early Years Foundation Stage (EYFS). Not every activity a child does will be recorded, staff will focus on significant moments in each child's learning.

Seesaw will be monitored by the headteacher.

### Special Category data

Some personal data collected falls under the GDPR special category data. When capturing images of the child this will identify the race; ethnic origin and health.



### How much data is collected and used and how often?

Personal data is collected for each pupil enrolled at Newbold and Tredington C of E Primary School. Parents/guardians will only be able to view their own child's information. Parents/guardians are given their own unique QR code.

Parents/guardians have access to their child's Seesaw account at any time.

Parents/guardians can view and contribute to their own child's learning, receiving a notification whenever a new item is added.

Parents/guardians can leave a comment on the item sent or received.

Parents/guardians can add their own observations/comments and photos/videos from things their children do at home.

### How long will you keep the data for?

When the children leave the school the account will be deleted and a sample of a child's learning journey may be stored securely for a limited period for OFSTED. The school will consider the data retention period as outlined in the IRMS Information Management Toolkit for Schools and within the schools Data Retention Policy.



Currently, the school has limited online learning resources. Using this data processor will enable the school to fulfil their duty in providing high quality education remotely and assist learners with their learning.

## Describe the context of the processing:

- **What is the nature of the relationship with individuals?**
- **How much control will they have?**
- **Would they expect you to use their data in this way?**
- **Are there prior concerns over this type of processing?**

### What is the nature of the relationship with individuals?

Individuals are pupils at the school and would be considered as vulnerable subjects. Other data subjects would include staff who are employed by the school. The school is the data controller and therefore has control over the data belonging to the data subjects

### How much control will they have?

Individuals have some control over this data processing under the individual data protection rights. I.e., Where data is processed for the purposes of fulfilling a public task, staff and pupils (or parents/carers on their behalf) can object to the processing of their information in this way. The school will weigh up the interests of the individuals in accordance with their interests, rights and freedoms and balance this against the school's legitimate purposes for processing the data.

### Would they expect you to use their data in this way?

Individuals are likely to expect the use of their data in this way, as the expectation is that education will continue during periods of self-isolation or in the event of a local/national lockdown / individuals will expect their data to be used in this way for the purposes of providing their child with learning resources to assist with their education. Individuals will be informed via the privacy notice.

Processing using a learning platform is not a novel processing activity and the majority of online learning platforms are well-established.

Currently, the school has limited online learning resources. Using this data processor will enable the school to fulfil their duty in providing high quality education remotely/assisting learners with their learning.

### Are there any prior concerns over this type of processing?

[Newbold and Tredington C of E Primary School](#) recognises that moving to a cloud based solution raises a number of General Data Protection Regulations issues as follows:

**ISSUE:** Seesaw will be storing personal data including special category information.

**RISK:** There is a risk of uncontrolled distribution of information to third parties.

**MITIGATING ACTION:** Seesaw control access through QR codes. School issues the QR codes to the children in school.

**ISSUE:** Lawful basis for processing personal data.

**RISK:** GDPR non-compliance.

**MITIGATING ACTION:** School has included Seesaw in its Privacy Notice (Pupil) which identifies the lawful basis for processing personal data.

**ISSUE:** Data Ownership.

**RISK:** GDPR non-compliance.

**MITIGATING ACTION:** The school as data controller maintains ownership of the data. Seesaw is the data processor. In terms of disclosure seesaw will not release the information to any third party unless the request is subject to legal obligation without obtaining the express written authority of the school who provided the information.



**ISSUE:** Data Retention.

**RISK:** GDPR non-compliance.

**MITIGATING ACTION:** The duration of the processing is, at most, the duration of the contract with the school and the additional time taken for personal data to leave Seesaw's backup system (60 days). This can be shorter if the school choose to delete some or all of the data sooner. The application of the data retention period from the school's data retention policy will apply.

**ISSUE:** Responding to a Data Breach.

**RISK:** GDPR non-compliance.

**MITIGATING ACTION:** Contract for the Seesaw Online Journal states that if Seesaw becomes aware of, or suspect, a data breach, as data processor they will inform the data controller (the school).

**ISSUE:** Data is not backed up.

**RISK:** GDPR non-compliance.

**MITIGATING ACTION:** Seesaw back up data in the USA.

**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:** Seesaw have tutorials to assist the school to comply with Subject Access Requests and requests to restrict processing.

All data on Seesaw will be added by the school (the controller) and is editable. The school also decides when to delete data.

**ISSUE:** Security of Privacy.

**RISK:** GDPR non-compliance.

**MITIGATING ACTION:** Seesaw has an ICO Supplier Self Certification Statement. Seesaw's data centre, Amazon Web Services (AWS), has been independently certified as ISO 27001 compliant.

#### **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?**

#### **What do you want to achieve?**

Schools have an obligation to ensure the continuity of education in the event children are unable to attend school due to the pandemic. Engaging a third-party data processor will be necessary for us to meet this obligation.

#### **What is the intended effect on individuals?**

Children can continue with their learning from home, this will limit any disruption to their education in the event of self-isolation or closure of the school.

The overall purpose is to ensure children can still access an education in the event of a local or national lockdown and/or during periods of self-isolation.

#### **What are the benefits of the processing – for you, and more broadly?**

The benefits of processing are that pupils can work remotely, individually, using technology and results are recorded easily, allowing the teachers to process assessment/attainment data efficiently.

Targets can be set using online platforms and overall, this is in a timely manner in which to record the progress of pupils.

### Step three – 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?**

### **Describe when and how you will seek individuals' views – or justify why it's not appropriate to do so.**

Seeking the views of individuals may not be appropriate in this scenario as this is a standard process of the school / is part of the school's contingency plan to ensure high quality education during periods of self-isolation or a national/local lockdown/ The views of the individual will be considered when seeking consent.

### **Who else do you need to involve within your organisation?**

We will seek advice from our Data Protection Officer via this Data Protection Impact Assessment / We will consult our IT support to ensure we access a secure platform and that data is shared using secure methods.

### **Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?**

Warwickshire DPO team have also been involved in the creation of this DPIA.

## **Step four – Access 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?**
- **If appropriate, how will you prevent the use of the technology or system beyond the purpose for which it was originally intended?**
- **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?**

### **What is your lawful basis for processing?**

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


- Childcare Act 2006 (Section 40(2)(a))
- The Education reform Act 1988
- Education Act 1994; 1998; 2002; 2005; 2011
- Health and Safety at Work Act
- Safeguarding Vulnerable Adults Act
- Working Together to Safeguard Children Guidelines 2018 (DfE)



Our lawful basis will be public task which is essential to the running of the school.

The school has a Subject Access Request procedure in place to ensure compliance with Data Protection Law. The school will continue to be compliant with its Data Protection Policy.

### Does the processing actually achieve your purpose?

The processing helps to achieve the purpose of educating pupils. The school is required to provide high quality education during periods of self-isolation or in the event of local/national lockdown. Alternative measures, such as paper assessments/quizzes can be used, but the online platform offers a simple, quick and effective tool for learning. 

### Is there another way to achieve the same outcome?

Alternative measures, such as paper assessments/quizzes can be used, but the online platform offers a simple, quick and effective tool for learning.

### If appropriate, how will you prevent the use of the technology or system beyond the purpose for which it was originally intended?

Seesaw will be used to deliver homework to children post Covid-19. 

### How will you ensure data quality and data minimisation?

Only the personal data necessary for the performance of the online platform, as set out in the GDPR compliant contract, will be collected for processing. Parents/pupils will be notified via the privacy notice on the school's website

### What information will you give individuals?


The right to be informed will be supported with the aforementioned privacy notices and data subjects can visit the processor's privacy notice for further information.

### How will you help to support their rights?

The right to erasure will be supported where *EITHER* consent is withdraw *OR* a valid objection to the processing is received. The right to object is outlined in step 2. 


The right of access will be supported by the school's subject access request procedure, published on the website. The processor contract outlines that they will help the controller to achieve compliance with data protection obligations, which will include supporting the right to access.

### What measures do you take to ensure processors comply?


The right to rectification is supported in the school's annual data collection/data checking sheets. However, specifically, pupils and/or parents can update details at any point via the school's contact details. The processor allows for changes to login/account details when required. 

The school will consider any other data that may need to be rectified and communicate this with the processor where this is deemed necessary.

### How do you safeguard any international transfers?

Seesaw Privacy, Safety and Security statement identifies that school owns the content and that they will never sell or rent data or profiles of Seesaw users. 

## Step five - Identity 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
Data transfer, data compromised	Remote, possible or probable	Minimal, significant or severe	Low, medium or high
Data transfer, data compromised	Remote	Minimal	Low
Loss of login QR code and/or loss of access to the site	Possible - QR are in child's personal reading diary.	Significant	Low 

Data used outside the scope of its original purpose (including children using the online platform as a form of social media)	Remote	Minimal	Low - children do not have access to each others pages so cannot communicate with each other. Teachers to regularly check settings do not allow this
Impacts on individual's rights to privacy	Possible	Severe	Medium

### Step six - Identity 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
		Eliminate, reduced or accepted	Low, medium, high	Yes/No
Hacking into processor site	Outline security measures from contract	Reduced	Low	Yes
Loss of login passwords/ username and/or loss of access into the site	Outline the details on how lost login details will be managed/ supported. Parents, guardians and children advised not to share QR codes	Reduced	Low	Yes
Data used outside the scope of its original purposes	<p>The contract/agreement meets the requirements of GDPR – assurances are given in the legally binding contract for the purposes for which the data will be used/processed. School staff are briefed and made aware of the school's data protection and information security policy.</p> <p>For children using the function as a form of social media, rules on using the system will be in place and this will be monitored / chat functions will be disabled at all times/at the end of each lesson.</p>	Reduced	Low	Yes

Impact on rights to privacy	Individuals will have the option to turn off their camera and mute their microphone / teachers will ensure all participants mute their microphone and turn off the camera function. Pupils will be invited to unmute their microphone when appropriate for engaging in the lessons and then asked to unmute again. Parents will be made aware of the lessons and timetables and given the opportunity to voice their concerns and exercise their right to object.	Reduced  	Low	Yes
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### **Step seven - Sign off and record outcomes**

Item	Name/date	Notes
Measure approved by:	<a href="#">Head teacher/DPO</a>	Integrate actions back into project plan, with date and responsibility for completion.
Residual risks approved by:	<a href="#">Head teacher/DPO</a>	If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	Yes	DPO should advise on compliance, step six measure and whether processing can proceed.
Summary of DPO Advice:		
<ol style="list-style-type: none"> <li>Does Seesaw provide technical capabilities to ensure the school can comply with the right of access and subject access requests?</li> <li>Are the parents fully aware of the online platform and how to ensure that their account remains safe?</li> </ol>		
DPO advice accepted or overused by:	Accepted	If overruled, you must explain your reasons
Comments:		
The DPIA will be kept under review by:	<a href="#">Head teacher/DPO</a>	The DPO should also review ongoing compliance with DPIA

