

General Data Protection Regulation. Detailed guide to rights for parents and pupils in schools

Introduction

Detailed description	Summary
<p>1. The Headteacher of a school is a data controller in the name of the school¹. This means that they are responsible for information about you and your child; its protection, decisions around how it may be used, who it is shared with and the length of time some of it may be retained.</p>	<p>The Headteacher is the data controller for the school and is responsible for your data and that of your child.</p> <p>You have rights in regard to your data.</p> <p>There are some basic principles which form the basis of your rights:</p> <ul style="list-style-type: none"> a) - is what is being done based on lawful, fair and clear reasons?; b) what it is used for; c) collecting and keeping only what is needed; d) is the data accurate?; e) how long the data is kept; f) is the data correct and kept securely?
<p>2. The General Data Protection Regulation (GDPR) comes into effect on 25 May 2018, replacing the existing Data Protection Act² and amongst other things, it provides uniform rights regarding the processing and movement of personal data³ across the whole of the European Economic Area, including the Isle of Man.</p>	
<p>3. These rights may be applicable to your data, some of which may be sensitive personal data⁴ including information about health, used by your school to help deliver education as required by the Isle of Man Education Act 2001, and to keep your child as safe as is reasonably possible.</p>	

¹ Available at: www.tynwald.org.im/links/tls/SD/2003/2003-SD-0016.pdf, Section (5). [Accessed 13 Jan. 2018]

² Data Protection Act 1998 for the UK and Data Protection Act 2002 for the Isle of Man. Available at: https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0002/DataProtectionAct2002_8.pdf [Accessed 13 Jan. 2018].

³ GDPR Article 1. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

⁴ GDPR Article 9. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
<p>4. There are six sets of basic principles⁵ underlying the GDPR which form the basis of the rights you and your children have. In simple terms these could be summarised as:</p> <ul style="list-style-type: none"> g) lawfulness, fairness and transparency (- is what is being done based on lawful, fair and clear reasons?); h) purpose limitation (- what it is used for); i) data minimisation (- collecting and keeping only what is needed); j) data quality (- is the data accurate?); k) data retention (- how long the data is kept); l) security, integrity and confidentiality (- is the data correct and kept securely?). 	<p>There are some lawful reasons for processing your data and that of your child including:</p> <ul style="list-style-type: none"> a) consent; b) contract; c) legal obligation; d) to protect the vital interests of your child or another person; e) public interest or in exercise of official authority by the Headteacher and school; f) for the purposes of legitimate interests (- this would not apply to a school as a public authority) <p>Some basic information is needed including</p>
<p>5. In relation to the first principle there are six lawful reasons for processing data which underpin your rights. These are in summary:</p> <ul style="list-style-type: none"> g) consent for processing from you; h) to perform a contract with you; i) to comply with a legal obligation which your Headteacher and the school have towards you and your child; j) to protect the vital interests of your child or another person; k) to perform a task in the public interest or in exercise of official authority by the Headteacher 	<ul style="list-style-type: none"> o name, o date of birth, o parent / guardian contact details, o essential information regarding health o other information described in the Registration of Pupils Regulations 2016 <p>Primary schools use software called Arbor to store information about you and your children. Secondary schools use a package called SIMS.</p>

⁵ GDPR Article 5. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
<p>and school; l) for the purposes of legitimate interests (- this would not apply to a school as a public authority)</p>	
<p>6. There is a statutory responsibility on the Department of Education, Sport and Culture to make educational provision available for pupils who go to provided or maintained schools and are registered according to section 16 of the Isle of Man Education Act 2001⁶.</p>	
<p>7. This means that it is necessary for you to supply some basic information to the school your child is going to attend to become a registered pupil.</p>	
<p>8. The Registration of Pupils Regulations 2016⁷ details the information which is required, for example their name, date of birth, contact details for yourself, essential information regarding health, if needed.</p>	
<p>9. When a pupil is registered at a school, this information is held on a secure management information system. For primary schools this is called Arbor⁸ and for secondary, SIMS⁹.</p>	

⁶ Isle of Man Education Act 2001. Available at: https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0033/EducationAct2001_9.pdf. [Accessed 13 Jan. 2018]

⁷ Registration of pupils regulations (2016). Available at: [http://www.tynwald.org.im/links/tls/SD/2016a/2016-SD-0031.pdf#search="registration of pupils regulations"](http://www.tynwald.org.im/links/tls/SD/2016a/2016-SD-0031.pdf#search=) [Accessed 13 Jan. 2018]

⁸ Available at: <https://arbor-education.com/> [Accessed 13 Jan. 2018]

⁹ Available at: <https://www.capita-sims.co.uk/> [Accessed 13 Jan. 2018]

Consent¹⁰

Detailed description	Summary
<p>10. You will be sent a form, normally at the beginning of the school year; seeking information, to detail changes to information held by school which may need updating, and detailing things that your child's school would like your consent for.</p>	<p>Consent is one of the ways that schools will collect information for those things which they feel will enhance a young person's time in school.</p>
<p>11. You will be told what information the consent is needed for, who is going to use it, how it will be used, and you will have the choice to indicate your agreement, or not, usually with a tick-box. Consent will be sought for things that your school believes would be a positive thing, but which are not essential for the delivery of education.</p>	<p>You have the right to consent or to not consent.</p> <p>From the age of 13 young people give consent depending on their age and capacity.</p>
<p>12. You therefore have the right to give consent, as well as the right not to give consent.</p>	<p>Schools and the Department will follow the consent of the young person but it will be necessary to have evidence that this has been given.</p>
<p>13. Notwithstanding the legal situation for a child to consent from age 13, school and Department policy is that parental consent is sought wherever possible for the use of information society services by anyone under the age of 16, and that any objections will be considered depending on the age and capacity of the child.</p>	<p>You can withdraw consent at any time.</p> <p>Particular care is taken of special categories of personal data including genetic data and health, as well as other things.</p>
<p>14. If you have given consent to something and then change your mind, you have the right to withdraw consent at any time. Simply let your school know and it should be as easy to withdraw consent as it was to give it.</p>	

¹⁰ GDPR Article 7. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
<p>15. In the past some schools have sought to introduce thumb print technology for use in libraries to take out books or to pay for school meals. Thumb prints are 'biometric data'. It is not Department of Education, Sport and Culture policy to collect this information. Some schools may also use apps such as fitness trackers in physical education lessons for personal use to help pupils develop healthy lifestyles.</p>	
<p>16. You have the right not to give consent for the processing of this biometric data if it is proposed, and schools should not be using applications which collect biometric data without your explicit consent.</p>	
<p>17. Schools should also not collect 'special categories of personal data'¹¹ unless there are specific, clearly explained reasons¹². These include information about race or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, health, sex life or sexual orientation, as well as biometric information. Schools will not normally collect this data about you or your child, but you may provide one or more of these special categories of personal data depending on your circumstances.</p>	
<p>18. For example, school may occasionally need health information to protect the vital interests of a child, such as when they have a life-limiting condition, and this is needed to ensure they are kept as safe as possible.</p>	

¹¹ GDPR Article 9(1). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

¹² GDPR Article 9 (2). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Rights - Overview

Detailed description	Summary
<p>19. Schools should be transparent and clear in their dealings with you about your and your child's data, and this should be communicated clearly to you.</p>	<p>Your child's data, as well as yours, can be requested from school.</p>
<p>20. You can also request information about you or your child from school which you should receive within a month, unless advised otherwise due to issues being complex.</p>	<p>It will normally be provided within a month. Information will be provided freely.</p>
<p>21. Information will normally be provided free of charge.</p>	<p>You have the right to know who the data controller is, who the data protection officer is, reasons for the data and the legal basis, who will see the information and security precautions.</p>
<p>22. When schools collect personal data about you and your child, you have the right to know:</p> <ol style="list-style-type: none"> a. the identity and contact details of the data controller - the Headteacher (and representative, if applicable); b. the contact details of the Data Protection Officer for the Department of Education, Sport and Culture; c. what the school is collecting the data for and the legal basis, such as a legislative requirement or based on consent; d. who is going to receive this information (- administrators, teachers and support assistants who are involved in your child's education); e. Information about transfers of information to other countries and whether there is adequate security, safeguards and protections around your legal rights. 	<p>You have rights such as:</p> <ol style="list-style-type: none"> 1. Knowing how long information is going to be kept; 2. Being able to access the information; 3. Erasure; 4. Restricting processing; 5. Withdraw consent when it has been given; 6. Complain to the <p>Some information will be shared with other organisations or Divisions to</p>

Detailed description	Summary
	enable swimming lessons to occur or for cycle training lessons.
<p>23. To ensure that your information, and that of your child is being processed fairly and transparently you also have the right to:</p> <ul style="list-style-type: none"> a. Know how long personal data will be retained for (or factors that will be considered regarding the retention period); b. Request access to your information so that it can be corrected if there are errors; c. Erasure once it is no longer needed by school to fulfil its statutory responsibilities; d. Restriction or objection to processing; (- aspects of these last two points may have consequences which you need to consider on behalf of your child since if they lose examination certificates for example, if data has been erased, your child's school will be unable to provide examination results to future employers); e. Withdraw consent where it has previously been given, at any time; f. Complain to the Isle of Man Information Commissioner¹³; g. Know the basis on which you are being asked to supply the information – whether a statutory or contractual requirement (to register your child at a school you need to supply some information. If you don't give this then your child cannot be registered, and you may be subject to legal proceedings if you do 	<p>You have the right to know where we have got information from.</p>

¹³ P.O. Box 69, Douglas, Isle of Man, IM99 1EQ Telephone: +44 1624 693260 Email: ask@inforights.im

Detailed description	Summary
<p>not send your child to school, unless you choose to educate otherwise);</p> <p>h. Know whether there is automated decision making, including the underlying logic, and whether profiling occurs.</p>	
<p>23. To deliver some lessons, such as swimming lessons, your child will be taken to the National Sports Centre pool or one of the regional pools, where they will be taught by a qualified swimming teacher. Basic information will be passed on to this teacher, in the exercise of the official authority of the Headteacher, so that they can personalise the lesson, using your child's name and recording their progress. It may also be necessary therefore to pass information on to this person to protect the vital interests of your child, if they have a serious medical condition.</p>	
<p>24. This illustrates that you have the right to know where information has come from.</p>	

Right of Access¹⁴

Detailed description	Summary
<p>25. Once you register your child at a school, they will be</p>	<p>Information will need to be shared with teachers and others within</p>

¹⁴ GDPR Article 15. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
processing your and your child's information.	schools.
26. Subsequently, further information will then be processed to enable the delivery of education.	This information is kept securely in either an information system called Arbor for Primary schools and SIMS for Secondary schools.
<p>27. You have the right of access to personal data which will normally consist of:</p> <ul style="list-style-type: none"> a. Name. b. Date of birth (DOB). c. Address. d. Emergency contact numbers. e. Essential medical information. f. Effort. g. Attainment data. h. Behaviour information. i. Attendance data. 	<p>More information about the applications (Apps) / services used in schools can be found in the privacy notice for the school.</p> <p>Pupil records will normally be kept until a young person is 25 years old.</p> <p>If information has changed then it will be updated to be correct when we know what the correct information is.</p>
28. You also have the right to know who this information will be shared with. In a school this will be your child's class teachers and support assistants, school administrators, Headteacher and possibly specific Department representatives, including moderators of SEN files and subjects for quality assurance purposes.	Data will be erased if it has been collected when it shouldn't have been.
29. This information is input into the school's management information system and the data is saved on servers in the European Economic Area (for SIMS, servers are based on Island).	There may be occasions when you feel that information should not be being processed and you have the right to object to this.

Detailed description	Summary
30. There may be some applications which schools use, detailed on the privacy notice on the school's web-site or the Department of Education, Sport and Culture's web-site.	You have the right to complain to the Information Commissioner.
31. Basic information, such as a name, may need to be entered and the servers for these may be based in other countries. You have the right to be informed of the safeguards ¹⁵ that exist for your child's data and the adequacy of these.	
32. You have the right to know how long your child's information will be stored, which will generally be DOB plus 25 years. (Where there have been child protection issues it may be necessary to retain information for longer if there is a possibility of legal action).	
33. Your child's school will seek to ensure that the integrity of information is maintained.	
34. Changes to information may be necessary as your child works their way through school; you may change address, or someone may copy a detail down incorrectly. You have the right to have this information corrected or rectified.	
35. You also may have the right to erasure, for example if a school collects particular data and they have no right to collect this information.	
36. You also have the right to restrict or object to processing of	

¹⁵ GDPR Article 46. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
<p>information, but for most of the information a school has, it will be necessary to continue with processing in order that the school may fulfil its statutory responsibility as required by the Education Act 2001.</p>	
<p>37. If you feel aggrieved by anything that your school has done or is doing with your, or your child's data, then you have the right to complain to the supervisory authority, which for the Isle of Man is the Information Commissioner.</p>	
<p>38. If information is collected about you or your child from another source (for example a swimming teacher, or a medical professional), you have a right to know where information came from.</p>	
<p>39. There is limited 'automated decision-making in schools', mainly around trying to establish interventions which may be needed for literacy. If pupils are suspected of being dyslexic, for example, then they may undertake assessments or tests which allow diagnosis and interventions to be suggested. You have the right to request the intervention of people, such as the Special Needs Co-ordinator in such decision making.</p>	

Right to rectification¹⁶

Detailed description	Summary
40. In your dealings with your child's school if you notice that personal data is incorrect then you have the right to ask for this incorrect information to be corrected.	You have the right to ask for incorrect information to be corrected.
41. If it was incomplete you also have the right for this data to be completed. For example, an address may have been supplied but you then wish to add a postcode, or you may have given an emergency mobile phone number for a contact in case of your child's sickness while at school, but then wish to add a landline number.	You can ask for incomplete information to be completed.

Right to erasure ('right to be forgotten')¹⁷

Detailed description	Summary
42. You and ultimately your child, when they get older (particularly after the age of 16), have the right to request erasure of personal data, especially if it is no longer necessary to process it.	You have the right to request that personal data be erased, especially if it is no longer needed and there is no legal basis for keeping it.
43. While your child is still a registered pupil at a school, in order that the Headteacher and staff at your child's school can deliver education to them, the staff will not be able to comply	If a school has processed information unlawfully then it must be erased.

¹⁶ GDPR Article 16. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

¹⁷ GDPR Article 17. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
with your request except for those things where consent was requested and there is no other legal basis for them to process that information.	The Admissions register will be kept for 25 years and then passed on to the Public Records Office – they have legislation requiring this to be permanently preserved. Social media (Facebook, Twitter and others) may be used by schools to highlight a young person’s achievements. If there is a request to remove information from these then a school will try to comply with this request as far as is reasonably possible.
44. If school staff had processed information unlawfully, then this personal data must be erased, if that is your wish.	
45. Your school will let other organisations, such as Arbor or SIMS, know of your request to have data erased, where applicable.	
46. There is a legal requirement under the Education (Registration of Pupils) Regulations 2016 ¹⁸ for a Headteacher to keep the details of an admissions register for a period of 25 years.	
47. The Isle of Man Public Records Office and the Department for Enterprise ¹⁹ also have their own legal requirements ²⁰ to keep the names of pupils registered at schools to enable people to verify that their grandparents were Manx for work permit purposes ²¹ .	
48. With your consent your child’s school may have used social media to highlight achievements or events. There may come	

¹⁸ Available at: [http://www.tynwald.org.im/links/tls/SD/2016a/2016-SD-0031.pdf#search="registration of pupils"](http://www.tynwald.org.im/links/tls/SD/2016a/2016-SD-0031.pdf#search=) [Accessed 13 Jan. 2018]

¹⁹ Previously the Department for Economic Development.

²⁰ GDPR Article 17(3)(b) and (d) in respect of the Public Record Office and DfE. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

²¹ Available at: <https://www.gov.im/media/1359068/guide20171102guide-to-work-permits.pdf>. [pdf] Page 12 “whose grandparent was born in the Isle of Man and lived in the Isle of Man for his or her first 5 years” [Accessed 13 Jan. 2018]

Detailed description	Summary
<p>a time when your child exercises their right to the erasure of personal information²². Your child's former school will seek to ensure that postings with your child in will be erased and the appropriate social media operators informed. It may be that posts will have been shared or downloaded though, which it will technically, not be possible to erase.</p>	

Right to restriction of processing²³

Detailed description	Summary
<p>49. If you believe that you or your child's data is inaccurate then you have the right to request the restriction of processing to allow school to verify the accuracy of the personal data. If you are exercising this right for this reason, please bring information to verify accuracy with you to school so that there is no interruption to your child's education.</p>	<p>You have the right to request that processing of a child's information is restricted particularly if information is inaccurate.</p> <p>If information has been processed unlawfully, instead of having it deleted you can request that processing is restricted.</p>
<p>50. If your child's school has processed some information unlawfully and you do not want it to be erased, you have the right to request that it is not processed any further.</p>	<p>In the case of legal claims then you may want processing to be restricted.</p>
<p>51. It may be that you wish to make a legal claim against the school or Department and although the school may no longer need the information, you have the right to request restriction of processing. Legal processes will then take</p>	<p>If you believe that the basis for processing data is incorrect then you can request the restriction of processing.</p>

²² GDPR Recital 65. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

²³ GDPR Article 18. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
precedence in what can and cannot happen with information.	If processing has been restricted, you will be informed when that restriction is lifted.
52. You may also object to processing based on whether the legitimate grounds for processing are appropriate; whether something is being carried out in the public interest or not, or in the exercise of official authority lying with the Headteacher.	
53. In delivering education to your child, the Education Act 2001 and supporting orders, regulations and Articles and Instruments of Government provides the legal basis on which schools operate.	
54. As an example of where this right to restriction of processing may be exercised, your child's school may claim that use of an application requiring personal data is in the public interest or in the exercise of official authority lying with the Headteacher. You believe however, that this is not the case and that consent would be more appropriate as it was not necessary to use that application and send your child's details on to a processor, and that there are other ways of achieving what was desired by your child's school. It would then be up to your school to demonstrate that their "compelling legitimate interest" ²⁴ trumps the interests or fundamental rights and freedoms of you and your child.	
55. Once processing has been restricted, you will be informed by the Headteacher when the restriction is to be lifted ²⁵ .	

²⁴ GDPR Article 21 (1). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

²⁵ GDPR Article 18 (3) Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Right to data portability²⁶

Detailed description	Summary
<p>56. Where information has been provided by you to your child's school based on consent (this also applies if there is a contract), you have the right to this information in a "structured, commonly used and machine-readable format and have the right to transmit those data to another controller"²⁷.</p> <p>57. If your child moves school, whether to another Manx school or elsewhere, data portability would mean that their old school will send your child's data in an encrypted format to their verified new school with your permission. This may be in a spreadsheet type format. If a paper record were to be sent then this would be by registered post, requiring a signature for receipt but only with your permission and to the school your child will be attending.</p>	<p>You have the right to have information provided using consent to be sent in a structured way, which can be sent and processed by another data controller.</p> <p>If your child moves school it will be necessary to send the pupil record on to the new school.</p>

Right to object²⁸

Detailed description	Summary
<p>58. If schools use 'public interest', or say that they are using your or your child's data in exercising their official authority as the Headteacher, then you have the right to object to this.</p>	<p>There is a right to object to processing and a Headteacher will have to demonstrate compelling legitimate grounds for the continued processing.</p>

²⁶ GDPR Article 20 Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

²⁷ GDPR Article 20 (1) Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

²⁸ GDPR Article 21 Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
59. It would then be up to the Headteacher to show that there are “compelling legitimate grounds” for the processing which override yours or your child’s “interests, rights and freedoms” ²⁹³⁰	<p>You have the right to object to direct marketing, although you may consent to receive this material.</p> <p>You may consent to your child’s school using social media in relation to your child.</p> <p>You have the right not to give consent to the use of social media in relation to your child.</p> <p>You may give consent to receive details of events organised and run by school by text and email.</p> <p>Consent may be withdrawn at any time – contact your school if you wish to exercise this right.</p>
60. One example of this may be the use of text messages to inform you of your child’s non-attendance at school, when you may have thought they were there.	
61. Over the last few years, schools have used emails and text messages to inform you about events such as summer or winter fairs, or social events to get your support and to raise money. This could be viewed as ‘direct marketing’ using your personal details – email address and mobile phone number. You have the right to object to this, at any time.	
62. Your explicit consent will be sought to receive emails and text messages for your involvement in such events.	
63. Your explicit consent will also be sought about the school use of social media relating to your child. You have the right not to give consent, or if you have, to object to on-going processing, and the right to withdraw your consent at any time.	

²⁹ GDPR Article 21(1). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

³⁰ Recital 69. Available at: <https://ico.org.uk/media/about-the-ico/disclosure-log/2014536/irq0680151-disclosure.pdf> . Page 49. [Accessed 13 Jan. 2018]

Automated individual decision-making, including profiling³¹

Detailed description	Summary
64. Schools do not undertake widespread automated decision-making, including profiling. However, they may use screening applications such as Speech and Language link ³² or Lucid Lass ³³ to identify issues your child may be having with language, such as dyslexic tendencies. The outcomes will not be based solely on the program but will involve their class teacher, and probably also Special Needs Co-ordinator intervention.	No systems in schools are fully automated; there is always some human involvement and appropriate safeguards will be put in place to secure information.
65. It may be that your school, or possibly a Department Educational Psychologist will ask for your explicit consent to undertake more detailed testing, and will also meet up with yourself to explain matters in more detail. Appropriate safeguards for this information will be in place.	

Restrictions³⁴

Detailed description	Summary
66. There are some specific instances where rights may be	Very occasionally there may be restrictions to your rights, particularly

³¹ GDPR Article 22. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

³² Available at: <https://speechlink.co.uk/auth/login> [Accessed 13 Jan. 2018]

³³ Available at: <https://www.gl-assessment.co.uk/products/lucid-lass/>. [Accessed 13 Jan.2018]

³⁴ GDPR Article 23. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
restricted generally (for example, national security or defence). These restrictions are limited as far as schools and the Department may be concerned though.	around investigations that may have to be undertaken or where your rights conflict with the rights of others. You will be told about any restrictions that may apply.
67. One restriction to your rights may be "the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions" ³⁵ by a teacher or other professional ³⁶ .	
68. Other restrictions are the protection of you or your child or the rights and freedoms of others, or the enforcement of civil law claims.	
69. You have the right to be informed of the restrictions that may apply ³⁷ .	

Right to lodge a complaint with a supervisory authority³⁸

Detailed description	Summary
70. In the Isle of Man, the supervisory authority is the	You have the right to complain to the Information Commissioner.

³⁵ GDPR Article 23 (1)(g). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

³⁶ Available at: <http://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=professions> [Accessed 13 Jan. 2018]

³⁷ GDPR Article 23 (2)(h). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

³⁸ GDPR Article 77. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
Information Commissioner ³⁹ .	
71. You have the right to lodge a complaint with the Information Commissioner if you consider that your or your child's rights have been infringed.	

Right to an effective judicial remedy against a supervisory authority⁴⁰, and a controller or processor⁴¹

Detailed description	Summary
72. If the Information Commissioner has made a legally binding decision concerning you or your child then you have the right to seek court action if they have not acted on your complaint, let you know about the progress of your complaint within three months, or let you know the outcome of your complaint.	You also have the right to consider court action over complaints.
73. You also have the right to go to court if you consider that yours, or your child's rights have been infringed regarding the processing of data.	
74. If you wish to pursue court action you have the right to instruct an organisation to lodge a complaint on your	

³⁹ Available at: <https://www.inforights.im/contact-us/>. [Accessed 13 Jan. 2018]

⁴⁰ GDPR Article 78. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

⁴¹ GDPR Article 79. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

Detailed description	Summary
behalf ⁴² .	
75. If you or your child suffers damage because of an infringement, then you have the right to receive compensation from the data controller or processor ⁴³ .	

⁴² GDPR Article 80. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]

⁴³ GDPR Article 82. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>. [Accessed 13 Jan. 2018]