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Satswana report to Governors and Trustees Summer 2022

1 Executive Summary

Our daily relationship with schools continues to be a personal response to very welcome questions which we record on our management system and can always reproduce a summary of activity for review. This is backed up by our management of a master "processor" list that we are constantly adding to. We publish frequent updates covering changes and fresh subjects of interest.

This precis update to our 2021 report seeks to equip Governors and Trustees (hereafter referred to as Governors) with sufficient tangible information to enable them to support the leadership of Schools in managing risk to personal data and developing a programme to implement "privacy by design and default". It should be regarded as complementary to other advice sources, not least the NCSC commentary to be found here https://www.ncsc.gov.uk/information/school-governor-questions

We ask that readers specifically note that "information management" has been added to your responsibilities, also that we should seek relief from unnecessary burdens on Staff such as "in relation to the number of data requests that are made."

The essence is in the first four pages, with a supporting technical paper thereafter. The fact that this is only a fraction of our literature on the subject indicates how much there is to know, share and learn.

2 Background

Since the early adoption of GDPR 2016 in May 2018 the risk to personal data has compounded through cynical exploitation by organisations operating under US law and increasingly sophisticated criminal activity, a trend that is likely to accelerate. To counter this all parties to the equation must "up their game", ask more questions, and both demand and implement change.

Satswana's original reports to Governors concentrated on reassurance that Schools were meeting the requirements of what is now the Data Protection Act 2018 under English Law – containing as it does almost every aspect of the original GDPR. We now believe that your independent Data Protection Officer has to be far more proactive in offering leadership at all stages, especially in the matter of technical guidance where we have specific expertise.

We aim to achieve this through the frequent publication of "update notices" to Staff, and we suggest that these are shared with Governors to whom our "reporting" will be a continuous and informative process that can guide and direct further actions. The aim of this document is to capture and republish our commentary on some of the key issues to create a baseline to go forward from.

3 The DPO role

In briefing SLT's we introduce the difference between "must" and "should", where the former is law supported by statute, and the latter may be good practice, or alternatively the gold plating of a myth. To be clear, the DPO role is a "must" (70 (1)), so whilst we are peripatetic members of your staff, subject to your command and control, you are obliged to consult us in any matter that may affect the security of data. Thereafter we are charged with considering the public good and we must not be affected by any "conflict of interest" with the management or our employers.

Satswana would always wish to be absolutely constructive in the exercise of any power that might impart, but Governors must recognise that it is not a matter that can be subjugated to individual convenience or perhaps embarrassment regarding budgets. Satswana brings a very wide range of proven experience in technical innovation to the table and we can (and will) use that experience to recommend change. We will constantly wish to listen to and learn from other practices, so we welcome any critique of our expressed thoughts, thereby achieving an optimum result for the Schools we support, that flows from sharing information.

4 IT Support

May we quickly cover the issue of technical support; because we are becoming increasingly an information society that is dependent on an understanding of how to use the tools we are provided with, all of them representing the very risk area that we have to contend with.

Within our Resources area we publish a range of papers that Satswana has produced over time, intended to explain the technical issues in largely lay terms – since many older Staff and Governors will not have the operational fluency with modern technology that we hope that the Children you are educating will leave School with.

But many will, and to go forward you must seek them out, because in future the responsibility and understanding will devolve down to every individual. Younger staff will be completely at home with a smartphone (indeed possibly tediously addicted to it!) They may also be "gamers", where the control of complex programs becomes second nature to participants. Furthermore some Staff will have become immensely skilled through having to find a way of working with disparate programs that are far from intuitive.

Our point is that you have to look for, encourage and where necessary train, within the School. There is a role for the specialist support person, but ideally they should be a local contractor who is totally familiar with both your people and your systems. It will be our case that the role of the large dominant service organisation has passed – even if you are still currently dependent on one such.

The paradox is that those historical structures have been displaced by what is now known as "Cloud" providers, with the pandemic driving us towards the use of collaborative environments such as Microsoft 365 or Google Cloud at an unprecedented rate of adoption. In future you must expect those service providers to deliver all the support you require, to Staff who can use their increasingly intuitive programs in a responsible and secure manner. It does require a degree of advanced IT capability, for instance in setting up Active Directory to manage permissions within Teams or Sharepoint, but this has to be locally managed – either by capable Staff, or a local IT support person. We contend that this return of control to the local unit is critical to your future ability to manage personal data securely. You cannot hope to achieve the same objectives remotely, even if you felt the very high charges involved were affordable within your budget.

5 Current major issues

If we concentrate on technical issues it is because that is the area that is the greatest problem containing the biggest opportunity for change. It should always be remembered that the physical protection of the School and any continuing use of paper files is also important, together with the attitude of Staff and their training. Those are subjects that will be continuously addressed in our updates, but this "benchmark" document will major on technology.

There is a continuous external risk from both opportunist criminals and extraordinarily well funded and managed State actors that means attackers have every bit as much skill and capability as the defenders, where they will find and ruthlessly exploit any weakness – usually before it can be "patched". However the greatest risk comes from an individual being fooled into clicking an infected link on what is usually a very cleverly constructed email. Every reader will have experienced them, and where they are amateur in their production, or delinquent in their spelling, you will have avoided the trap. But they will only get better, and candidly it means that the email that we have all loved so much over the years has to be retired – or at the very least not used any more for the transmission of data. How we do that is beyond the reasonable scope of this report, but if you are still reliant on email (as indeed we are, and that is how our reports are distributed) then we all have to work together to seek change.

The second most serious problem is the manner in which almost every aspect of technology deployed within Schools is not fit for purpose - whether it is operational software, network infrastructures, broadband provision, server locations, backup options or users resistance to change, every single one needs to be considered and where necessary, upgraded.

Satswana are saddened to define the third most important issue as "Parent Risk", where the actions of a small minority of articulate, capable, or in the alternative, ignorant and aggressive Parents use what they believe to be their "right" to make the life of the leadership of a School an absolute misery to the point that they become

totally demotivated, and in too many extreme cases leave the profession – which is much the poorer for their loss.

Of course we absolutely support the Law of the Land, so whilst the Freedom of Information Act might be uncomfortable for those on the receiving end, we recognise the right of the applicant to have their questions properly answered. That also applies to Subject Access Requests.

However whilst the applicants do have acknowledged rights, they are less receptive to the countervailing rights of the respondent, which Satswana daily becomes more expert in defending where appropriate. The sad reality is that SAR's have become a form of attack in too many instances, with applicants seeking only to find ammunition for further debilitating actions and correspondence – being far from their original purpose to provide transparency within data holdings.

Where we provide a proper defence for the School we now expect a negative reaction from the applicant, sometimes in an extreme and unreasonable form. That is fine, our background is largely in either the Armed Forces or Police and if we have deflected the attack from the Head then we are pleased. Our defence is often to encourage a complaint to the ICO whose major thrust is to act as arbiters, not prosecutors, and whose decision cannot be argued with – except through the Courts. We are pleased to believe that we have contributed to case law and precedents within their decisions, and will hope to continue to do so.

6 Summing up

This report aims to equip Governors to be able to actively contribute to their new responsibility to Schools regarding information management and to define the DPO role as providing leadership in change, and specific protection from unreasonable data requests. Going forward we hope that you will travel the journey with us through continued sharing of our update notices, recognising that it is a long march, but every step matters.

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Appendix (A) Background briefings on technical matters for Governors

A Satswana Data Briefing

1 Purpose

The aim of this document is to provide a briefing for the lay individual that will explain the risks and restraints associated with managing information on a computer, especially with regards to the protection of personal information – a requirement of the Data Protection Act 2018. To start at the beginning, data is just a word meaning information – your name and address for instance – something about you that has to be stored and referenced. Once upon a time it would have been written down on a piece of paper, and there is no essential difference when you store that in a computer, except that it can be managed and manipulated by a software program to give you a range of answers. Do not, please, be bamboozled or put off by the language of computing because it has all been invented over the last 50 years or so and refers originally to something that the writer understood and sought to explain. For instance a "bug" – a word often used to describe a problem in computing – was originally a moth that became electrocuted in an early IBM machine, creating problems for both parties! What went wrong? "There was a bug in the computer"!

2 What you can do

We will go into some depth as to why, but straight away may we please say that every Trustee/Governor/Head/Leader in Education/IT expert – indeed senior elements of both Local Authorities and the Department of Education should be using this document to challenge every single contact they may have within the providers of software to the community and saying "you are not doing a good enough job, when are you going to give us the sort of support tools that we should expect in order to provide 'privacy by design and default' as demanded by the original GDPR?" That is Satswana's true purpose, to create sufficient understanding to mobilise a clamour for change which, in turn, will mean both designing in privacy, and then delivering it by default. That will be so much more secure and save staff endless time and anxiety. We also contend that it should be far cheaper to licence, run and manage, thus creating a return for your investment in Satswana.

3 What is currently so wrong?

Put simply you have far too many pieces of information being provided to you from different places, all of which need to be fed with the same detail, which do not talk to each other. You would not do this on a paper file, you would try and write everything you needed in one place, but early computers were designed to do just one task and "specialist applications" emerged – all requiring unique staff training, with their own cost. Thus you have a MIS system that requires another program to support SEN children, neither of which includes any sort of accounting, let along budgetary control and financial management, indeed the two programs you probably use for that will not manage the payroll – that again will be separate. Add to that communication

programs like Parent Mail or Studybugs – talk to Governors and you need Governor Hub apparently. Hang on, we haven't managed school meals funds yet – and so the list goes on, piling on cost, inefficiency and (in security terms) adding risk every time the information is duplicated in a different place.

4 What is the solution?

We will explain the terms below, but for those who will only read two pages we have to cut to the chase. The answer is to demand for education what every large corporate takes for granted, and that is an information system that links every aspect together in one seamless deliverable. There are no "unknowns" about this, indeed many Governors and other external influences will use such systems every day.

No legal firm (for instance) would operate without a practice management system with automated billing and integrated financial reporting. Such systems are designed around a relational database structure – we explain the jargon later – which are easy to write, maintain, and (crucially) change when required. Every one of your providers knows this, but to date it has been a soft, cosy and very profitable ride for them. Nobody has really complained so they have not invested in change. The paradox is that anybody who does a better job well will clean up, so why do they hold back?

Even more paradoxical some newer MIS offerings are using a relational database, but then do not include accounts – why? To return to the comfort zone of the lay reader we should stress that we are saying that the suppliers can do it, and know how to, it is just that whilst they got away without investing in a revised product, you ended up paying and working three times as hard as you needed to. In GDPR terms, it is also massively more risky.

5 Database structures

We are going to get more technical now, but hopefully in a manner that you will feel entirely comfortable to follow. "Database" is simply the term used by computer geeks for the information held by the machine, and it is manipulated by the program to give you what you then see on the screen. Historically this was designed to run as fast as possible, providing a motorway for rapid travel through the system – it was ideal for applications such as banking and was described as being "hierarchical" – a simple old fashioned English word that means it is organised according to its rank. Just like driving on a motorway it was (is!) fast, but you cannot get off once you start, and it is not a good idea to stop – thus it is inflexible if you want to do that.

By contrast a "relational data base" is like taking a country road in that you can get almost anywhere from anywhere else, stopping when you like, changing your mind and indeed asking directions. It is very much slower doing that of course, but we are still talking very high speeds in absolute terms, certainly fast enough for any educational requirement. "RDBMS" (if you want to sound very clever!) has another feature in that you can ask it questions that were never programmed into it in the first

place as in "how many children had measles in year 6 in 2017". This is described as a structured query language and you may have come across its acronym "SQL".

Thus what we should be asking the software supply industry to provide for the use of education is a program that can link everything we want to know together in one place, at one time, as we need it. Ideally that should be from one supplier, but it can also be from many, just so long as they talk seamlessly together. To say again there are no "unknowns" about this, indeed some readers may be familiar with the way QuickBooks integrates seamlessly with the Method CRM package, the Catholic Church responsible for schools in Western Australia have built an entire MIS system using just those tools. In the UK we need an exchange of information with both Local Authorities and the DfE for reporting purposes, so it is a harder task, but not insoluble.

6 Cloud systems

Moving logically forward it is likely that an integrated system would be hosted "in the Cloud" which means that you can get to it from anywhere, assuming you have a broadband connection. The real benefit here is that the cloud providers can normally provide a much higher quality level of network protection, with more skilled support staff than any school could ever afford. Having said that, as this is written, a former local authority provider has been "down" for almost a week and have not yet informed their client schools what the problem is. The lesson we fear is that it is not just the software providers who have failed to continuously update their product to the latest possible technology. It is a big challenge for the generally non-technical leadership of schools to demand optimum standards from both software providers and the related delivery infrastructure. Thus meaning that there is an open market opportunity for any organisation that can really deliver in a manner that everybody can be happy with.

7 Processors

Which brings us to the question of processors, those organisations who ask you to provide them with either your data, or access to it, in order to provide a third party service. Satswana has huge concerns over the currently casual manner in which processors are accepted. We note that one has been recommended by local authorities despite having a negative net worth of several million pounds. Can you really be confident that they are going to spend what it takes to keep your data safe? In analysing the Processor list we provide to clients we seek to consider the financial strength and the depth of the leadership as well as their compliance with an appropriate Privacy Policy. Ideally however a proper system would mean that most of these processors would not be required, creating much safer data – because clearly the more times it is stored in more places, the more the risk of an exploit must rise.

8 In summary

This paper has sought to explain in lay terms that change is required in both the quality of the software provided to education and in the manner of its delivery. The purpose of Satswana in doing so is to fulfil their mission to their customers of ensuring "privacy by design and default". We contend that the skills exist to make the change, but corporate inertia has become too comfortable with the status quo, and that therefore the leadership within education has to demand both change and significantly lower licensing costs – together with a reduction in the training time, experience and commitment that is also so costly. The result will be safer data, less stress, better value and greater efficiency. Not demanding such change cannot be considered an option.