

St. Mary's Church of England Primary School, High Crompton



# Data Protection Policy

Written on: 9<sup>th</sup> March 2016

Approved by Governors on: 12 May 2016

Review: March 2018 (Two Year Review)

## **Mission Statement**

To provide a fun, stimulating and excellent education which enables each child to achieve their full potential academically, spiritually, emotionally and socially in a safe, Christian environment.

## **HealthySchool**

St. Mary's C of E Primary School is a Healthy School with healthy attitudes embedded in the curriculum and extra-curricular activities. Children are encouraged to be active and maintain healthy relationships with their peers and adults as well as making other choices about healthy lifestyles.

## **Building Learning Power Statement**

At St. Mary's, we encourage all pupils to build their own learning power. Building Learning Power emphasises the development of lifelong learning values and skills. We aim to ensure that all children develop persistence and curiosity for learning and become adventurous risk takers who are not afraid of the 'don't know' state of mind. At St. Mary's, children will develop the ability to take responsibility for their own learning and self-assess and be able to articulate themselves as a learner. They will have the opportunity to develop the ability to know what's worth learning, know how to face confusion and know the best learning tool for the job.

## **Introduction**

St. Mary's CE Primary School is committed to protecting the rights and privacy of individuals, including pupils, staff and others, in accordance with the Data Protection Act.

The School needs to process certain information about its staff, pupils and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- the recruitment and payment of staff
- emergency contact details and medical information
- attendance, special educational needs and ethnic group data
- the monitoring and recording of pupil's progress e.g. National Curriculum assessment results
- collecting fees
- complying with legal obligations to funding bodies and government statistics

From time to time we are required to pass on some of this data to the Local Authority, to another school to which the pupil is transferring or to the Department For Education. To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 1998, St. Mary's CE Primary School must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

### **The Data Protection Act, 1998**

The Data Protection Act 1998 (DPA) is designed to protect the privacy of individuals and to ensure that personal data is processed fairly and lawfully. It protects personal data by setting terms and conditions that all staff must follow when processing details about any living individual, including children.

### **Responsibilities under the DPA**

St. Mary's CE Primary School is the 'data controller' under the terms of the legislation - this means it is ultimately responsible for controlling the use and processing of the personal data. The school has a duty to be registered as Data Controllers with the Information Commissioner's Office (ICO) detailing the information held and its use. (This certificate is displayed in the main office.) These details are then available on the ICO's website [www.ico.org.uk](http://www.ico.org.uk). The school also has a duty to issue a Privacy Notice to all parents/legal guardians which summarises information held on pupils, why it is held and other parties to whom it may be passed on to. The Privacy Notice is provided to all parents as their child joins the school and is also available in the school prospectus and website.

### **Purpose of the Policy**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

## **What is 'Personal Information'?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Examples include:

- a name and address, telephone number, personal email address
- financial information
- a national insurance number
- a birth certificate
- a passport
- a driving licence
- photographic / CCTV images
- electronic records / manual files
- sensitive details, such as religion, health records, or ethnic origin

## **Data Protection Principles**

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles of the Data Protection Act. In order to comply with its obligations, St. Mary's CE Primary School undertakes to:

### **1. Process personal data fairly and lawfully**

We will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

### **2. Process the data for the specific and lawful purpose for which it collected that data, and not further process the data in a manner incompatible with this purpose**

### **3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is being processed.**

### **4. Personal data shall be accurate and, where necessary, kept up to date.**

**5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.**

School will undertake a regular review of the information held. Disposal of personal data will be done in a way that protects the rights and privacy of the individual concerned e.g. secure electronic deletion; shredding and disposal of hard copy files as confidential waste.

***Processing, storing, archiving and deleting personal data: guidance***

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child.
- The law permits such information to be shared with other educational establishments when pupils change schools.
- School records for a child will be kept until the child reaches 25 years of age.
- Data on staff is sensitive information and confidential to the individual and is shared, where appropriate, at the discretion of the Headteacher and with the knowledge, and where possible the agreement of the staff member concerned.
- Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc.) these records should be retained as set out by the LA.
- Interview records, CV's and application forms for unsuccessful applicants are to be kept for 6 months.
- All formal complaints made to the Headteacher or School Governors will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

**6. Personal data shall be processed in accordance with the rights of the data subjects under this Act.**

**7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Staff will ensure that all personal data is accessible only to those who have a valid reason for using it.

School have in place appropriate security measures including:

- keeping all personal data in a lockable room with key-controlled access
- password protecting personal data held electronically, including encrypted hard drives and USB sticks
- placing any PCs or terminals, that show personal data so that they are not visible except to authorised staff
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.
- Hard drives of redundant PCs will be wiped clean before disposal, or, if that is not possible, destroyed physically. Records /certificates of disposal will be kept.
- All staff are responsible for keeping their passwords as secure as possible.
- Temporary passwords should always be changed.
- Passwords should be changed regularly.
- Laptops must be shut down and not in sleep mode when staff finish working on them or the encryption protection will not work.

*This policy also applies to staff and pupils who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data*

- 8. Personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

This also applies to publishing information on the Internet as transfer of data can include placing data on a website that can be accessed from outside the EEA.

St. Mary's CE Primary School seek the consent of parents before placing photographs of children on its website.

### **General Statement**

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected.
- Inform individuals when their information is shared, why and with whom it was shared.
- Check the quality and the accuracy of the information it holds.
- Ensure that information is not retained for longer than is necessary.

- Ensure that when obsolete information is destroyed that it is done so appropriately and securely.
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Share information with others only when it is legally appropriate to do so.
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure our staff are aware of and understand our policies and procedures.

### **Rights of individuals provided by the Act**

All individuals who are the subject of personal data have a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. See Appendix 1

### **Complaints**

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher or Office Manager who will act as the contact point for any subject requests.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.org.uk](http://www.ico.org.uk) or telephone 01625 545745

### **Policy Review**

This policy will be updated as appropriate but no less frequently than every 2 years, to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation. The policy review will be undertaken by the Headteacher, or nominated representative.

## Appendix 1

### Applying to see personal data

Procedures for responding to subject access requests made under the Data Protection Act 1998

### **Rights of access to information**

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

### **Actioning a subject access request**

1. Requests for information must be made in writing; which includes email, and be addressed to the School's Headteacher Mrs P A Hartley. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information and checks will also be carried out regarding proof of relationship to the child. Evidence of identity will be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher or her nominee will discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The school will make a charge for the provision of information, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools will charge £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information will be made by the Headteacher.

5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought.

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent will normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another will not be disclosed, nor will information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice will be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it will be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant will be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail will be used.

### **Complaints**

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.org.uk](http://www.ico.org.uk) or telephone 01625 545745