



Data Protection Policy & Procedures

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| Drafted By: | Sally Norris |
| Date: | June 2017 |
| Ratified by Governors: | October 2017 |
| Review Date: | June 2018 |

We believe this policy relates to the following legislation:-

- EC Convention on Human Rights & Fundamental Freedoms 1950
- Rehabilitation of Offenders Act 1974
- Access to Medical Records 1988
- Data Protection Directive 95/46/EC
- Asylum & Immigration Act 1996
- Employment Rights Act 1996
- Data Protection Act 1998
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Freedom of Information Act 2000
- Regulation of Investigatory Powers Act 2000
- Telecommunications (Lawful Business Practice) Regulations 2000
- Protection of Freedom Act 2012



Data Protection Policy & Procedures

We believe that all personal data covered by the Data Protection Act 1998 includes the school admission register, attendance registers, pupils' curricular records, assessment data, class lists, reports to parents, pupils' disciplinary records, school personnel files (staff and pupils), school financial information, school strategic and school improvement plans, recorded CCTV footage, pupils' family and home contact details, records of contractors and suppliers and records of pupils entering public examinations.

We will ensure that under the Data Protection Act 1998 all school personnel are able to access their personal data that is held about them. We believe it is our duty to respond to any request of access within 40 days.

We will ensure a pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

We aim to fulfil our obligations under the Data Protection Act 1998 and to protect the right of school personnel and pupils to privacy in line with the Act.

We as a school community have a commitment to promote equality. Therefore we have a Principles of Equality Policy which we believe in line with the Equality Act 2012.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.



Data Protection Policy & Procedures

Aims

- To allow all school personnel their right to have access to their personal data.
- To allow all parents their right of access to their child's records.
- To protect all school personnel's right to privacy in line with the Data Protection Act 1998.
- To protect all pupils right to privacy in line with the Data Protection Act 1998.
- To work with other schools to share good practice in order to improve this policy.

Responsibility for the Policy & Procedure

Role of the Governing Body

The Governing Body has:

- The responsibility to comply with the legal requirements of the Data Protection Act 1998.
- The responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998.
- Delegated powers and responsibilities to the Headteacher as 'Data Controller' for the school.
- Delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy.
- Responsibility for ensuring that the school complies with all equalities legislation.
- Nominated a designated Equalities/Inclusion Governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy.
- Responsibility for ensuring funding is in place to support this policy.
- Responsibility for ensuring this policy and all policies are maintained and updated regularly.



Data Protection Policy & Procedures

- Responsibility for ensuring all policies are made available to parents.
- Nominated a link governor to liaise with the Headteacher and report back to the Governing Body.
- Responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- Act as 'Data Controller' for the school.
- Ensure the school complies with the Data Protection Act 1998 and the eight data protection principles.
- Ensure all data is processed fairly and lawfully.
- Ensure security measures and confidential systems are in place to protect personal data and pupils records.
- Ensure data is obtained for specific and lawful purposes.
- Ensure data is adequate, relevant and not excessive.
- Ensure all personal data is accurate and that inaccurate data is corrected or erased.
- Ensure procedures are in place to deal with requests for access to personal data.
- Ensure data is not kept longer than is necessary.
- Ensure school personnel are aware of their rights.
- Ensure school personnel are aware of their responsibilities.
- Ensure a pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.
- Ensure a Common Transfer File is sent when a pupil joins another school.
- Make effective use of relevant research and information to improve this policy.
- Work closely with the Link Governor.
- Provide leadership and vision in respect of equality.
- Provide guidance, support and training to all staff.



Data Protection Policy & Procedures

- Monitor the effectiveness of this policy.
- Annually report to the Governing Body on the success and development of this policy.

Role of Nominated Governor

The Nominated Governor will:

- Work closely with the Headteacher and the School Business Manager.
- Ensure this policy and other linked policies are up to date.
- Ensure that everyone connected with the school is aware of this policy.
- Attend any training related to this policy.
- Report to the Governing Body on the success and development of this policy.

Role of School Personnel

School personnel will:

- Comply with all aspects of this policy.
- Be aware of all other linked policies.
- Follow the safe and confidential system procedures that are in place to protect personal data and pupil records.
- Check their own data and inform the Data Controller of any changes.
- Apply in writing for access to their personal data.
- Comply and respect confidentiality of personal information at all times but especially when involved with interviewing new school personnel.
- Provide accurate and up to date personal information.
- Inform the school and the Local Authority of any changes to their personal data.
- Implement the school's equalities policy and schemes.
- Report and deal with all incidents of discrimination.
- Attend appropriate training sessions on equality.



Data Protection Policy & Procedures

- Report any concerns they have on any aspect of the school community.

Data Protection Principles

Personal data must:

- Be processed lawfully.
- Be obtained and processed for specific and lawful purposes.
- Be sufficient, appropriate and not excessive in relation to the precise purpose.
- Be accurate and up to date.
- Not be kept for a great length of time.
- Be processed in agreement with the individual's legal rights.
- Be protected against unlawful processing, accidental loss, destruction or damage.
- Not be transferred outside the EU unless the rights and freedom of the individual is protected.

Security Measures

We work in conjunction with the Local Authority Code of Practice to ensure that computers and servers comply with all up to date Government regulations and are secure with:

- Anti-virus software
- Firewall software
- Passwords

All school personnel are trained to:

- Be discreet and confidential.
- Consider the safe and secure positioning of computers.
- Back up data.
- Turn off computers when not in use.
- Remember password access.
- Lock filing cabinets and doors to offices.
- Shred confidential material.



Data Protection Policy & Procedures

- Clear their desk before they leave school.

Disclosure of Data

Personal data cannot be disclosed to a third party without the consent of the individual except when it is legally required.

Requests for Access to Data

All requests from school personnel for access to their data must be made in writing on headed note paper and sent to the data controller.

Rights of Individuals

Individuals have rights to:

- Know when their data is being processed, the reason it is being processed and the name of the person or organisation requesting the information.
- Prevent processing which could be harmful to them or others.
- Prevent the processing of their performance management records.
- Go to court to prevent inaccurate data being used.
- Be compensated if a data controller contravenes the Data Protection Act.
- Stop data being processed for direct marketing.

Individuals are not entitled to:

- Copies of their references.
- Information of pay reviews.
- Examination results until they have been released.

Grievance Procedure

Any member of the school personnel who disputes any aspect of their



Data Protection Policy & Procedures

personal data with the Data Controller has the right to take up the matter under the school's formal grievance procedures.

Rights of Parents, Carers and Pupils

Pupils' educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

Pupils may also request access (in writing) to their educational records.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- The school website.
- The Staff Handbook.
- Meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops.
- Meetings with school personnel.
- Communications with home such as weekly newsletters and of end of half term newsletters.
- Headteacher reports to the Governing Body.
- Information displays in the main school entrance.

Training

All school personnel:

- Have equal chances of training, career development and promotion.
- Receive training on this policy on induction which specifically covers:
 - > Data Protection Act 1998
 - > Access to Personal Records
 - > Privacy Notice

Equality Impact Assessment

Under the Equality Act 2012 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity,



Data Protection Policy & Procedures

pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2012 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Freedom Of Information requests

Introduction

This publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific



Data Protection Policy & Procedures

information is made routinely available so that it can be easily identified and accessed by members of the public.

- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.
- The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.



Data Protection Policy & Procedures

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and Registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The Services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.



Data Protection Policy & Procedures

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.



Data Protection Policy & Procedures

Charges will be made for information subject to a charging regime specified by Parliament. Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges will also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public (see our Charging and Remissions Policy).

Charges will also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Monitoring the Effectiveness of the Policy



Data Protection Policy & Procedures

The practical application of this policy will be reviewed annually or when the need arises by the co-ordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

Linked Policies

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| Finance Policy | E-Safety | Grievance Procedure |
| Freedom of Information Act | Principles of Equality Policy | |