



# DATA PROTECTION POLICY

This Church of England Academy aims to serve its community by providing an excellent education for pupils of all abilities and backgrounds in the context of Christian belief and practice.

It encourages an understanding of the meaning and significance of faith and requires the valuing of other faiths.

It promotes Christian values and spiritual development through the experience it offers to all its pupils,

These values are implicit in this policy.

## Status

Draft for staff

Accepted by staff

Accepted by governors

Date for Review

The Data Protection Act 1998 is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data.

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

## **1. Scope of the Policy**

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

The school collects a large amount of personal data every year including staff records, references, names addresses and contact details. Personal data for pupils includes national curriculum assessment results, any exclusion information and personal characteristics such as ethnicity, any special educational needs, any relevant medical information.

We are required by law to pass some information about you to the Department for Education, the Local Authority, government agencies and other bodies.

## **2. Policy Statement**

The school has a legal responsibility to comply with the Data Protection Act. As a corporate body, Enhance Academy Trust trading as *St Helen's CE Primary School* is named as the Data Controller under the Act.

We are committed to the eight principles of the Data Protection Act:

- I. Personal data shall be processed fairly and lawfully.
- II. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- III. Personal data shall be adequate, relevant and not excessive.
- IV. Personal data shall be accurate and, where necessary, kept up to date.
- V. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- VI. Personal data shall be processed in accordance with the rights of data subjects under this Act.

- VII. 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.
- VIII. Personal data shall not be transferred to a country or territory outside the European Economic Area 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.

### **3 Our Commitment**

We will implement the requirements of the Data Protection Act 1998 and any subsequent amendments or regulations on protecting data.

We are committed to maintaining the eight principles at all times. This means that we will:

- I. Inform Data Subjects why we need their personal information, how we will use it and with whom it may be shared. This is known as a Privacy Notice.
- II. Check the quality and accuracy of the information held.
- III. Apply the records management policies and procedures to ensure that information is not held longer than is necessary.
- IV. Ensure that when information is authorised for disposal it is done appropriately.
- V. Ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or on a computer system.
- VI. Only share personal information with others when it is necessary and legally appropriate to do so.
- VII. Set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection Act. (Appendix A)
- VIII. Ensure staff are aware of their responsibilities and of the schools relevant policies and procedures.
- IX. Maintain a Data Protection register entry with the Information Commissioner, and ensure that all personal data obtained, held or disclosed conforms to the details recorded within that registration.

### **4 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).

### Procedures for Responding to Subject Access Requests Made under the Data Protection Act 1998

#### Rights of Access to Information

Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.

Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinion.

#### Actioning a Subject Access Request

Requests for information **must** be made in writing; which includes email, and be addressed to Mrs Sue Henderson, Headteacher or to Kevin Jones, Chief Executive of Enhance Academy Trust. If the initial request does not clearly identify the information required, then further enquiries will be made.

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can 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.

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 should 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

The school may make a charge for the provision of information, dependant upon the following:

- Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.

- Should the information requested be personal information that does not include any information contained within the educational records schools can charge up to £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 can be made by the Head Teacher.

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

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

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 should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

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

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

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

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 should be retyped.

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

Further advice and information can be obtained from the Information Commissioner's Office – [www.ico.gov.uk](http://www.ico.gov.uk)