Data Protection Policy

Data Protection Officer:	School Business Manager
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Background

The Data Protection Act 1998 and General Data Protection Regulations is the law that protects personal privacy and upholds individuals' 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.

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998 and General Data Protection Regulations.

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, names and addresses, examination marks, references, fee collection as well as the many different types of research data used by the school. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of the Local Authority, government agencies and other bodies.

The Eight Principles

The Data Protection Act 1998 is based on eight data protection principles, or rules for 'good information handling':

1. Data must be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specific and lawful purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed.
4. Personal data shall be accurate and where necessary kept up to date.
5. Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose.
6. Personal data shall be processed in accordance with the rights of the data subjects under the 1998 Data Protection 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.
8. Personal data shall not be transferred to a country outside the 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.

Responsibilities

The school must:

- Manage and process personal data properly
- Protect the individual's right to privacy
- Provide an individual with access to all personal data held on them

The school has a legal responsibility to comply with the Data Protection Act. The school, as a corporate body, is named as the Data Controller under the Data Protection Act 1998, and the Governing Body is therefore ultimately responsible for implementation of this policy.

The school has identified its Designated Data Controller as the School Business Manager who will deal with day to day matters. Any member of staff, parent or other individual who considers that the policy has not been followed, in respect of personal data about themselves or their child, should raise the matter with the Head teacher in the first instance.

Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies in line with the Data Protection Act.

The school is required to 'notify' the Information Commissioner of the processing of personal data. This information will be included in a public register which is available on the Information Commissioner's website (https://ico.org.uk/).

Every member of staff who holds personal information has to comply with the Data Protection Act when managing that information. All staff who process or use personal information must ensure that they follow the principles at all times. In order to ensure that this happens, the school has developed this Data Protection Policy. Any failure to follow this policy can result in disciplinary proceedings.

The school is committed to maintaining the eight principles at all times which means that the school will:

- Inform Data Subjects why they need their personal information, how they will use it and with whom it may be shared, known as a Privacy Notice
- Check the quality and accuracy of the information held
- Apply the records management policies and procedures to ensure that information is not held longer than is necessary
- Ensure that when information is authorised for disposal it is done appropriately
- Ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or on a computer system
- Only share personal information with others when it is necessary and legally appropriate to do so
- Set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection Act
- Train all staff so that they are aware of their responsibilities and of the school's relevant policies and procedures

All staff are responsible for:

1. Ensuring that any information provided to the school in connection with their employment is accurate and up to date and reviewed annually
2. Informing the school of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The School cannot be held responsible for any errors unless the staff member has informed the School of such changes.
3. Handling all personal data (e.g. pupil attainment data) with reference to this policy.

Sharing Data

The school holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time schools are required to pass on some of this data to Governors, the Local Authority, the Department for Education and to agencies that are prescribed by law, such as Ofsted.

When considering sharing personal data, staff are responsible for making sure they are allowed to share it; and ensuring that adequate security (taking into account the nature of the information) is in place to protect it.

Rights to Access Information

All staff, parents and other users are entitled to know:

- What information the school holds and processes about them or their child
- Why the information is held
- How to gain access to the information
- How the information is kept up to date
- What the school is doing to comply with its obligations under the Data Protection Act 1998

The school will, upon written request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the school holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the Data Protection Act 1998 to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should make a request in writing and submit it to the Head teacher. The school will ask to see evidence of identity, such as a passport or driving licence, before disclosure of information.

The school aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within one month of receiving the request. School may need to extend this period by a further two months if the requests are complex or numerous but will inform the individual within one month of the receipt of the request and explain why the extension is necessary.

Retention of Data

The school has a duty to retain some staff and pupil personal data for a period of time following their departure from the school, mainly for legal reasons, but also for other purposes such as being able to provide references. Different categories of data will be retained for different periods of time.

Further information

Please follow this link to the ICO's website (https://ico.org.uk/) which provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Data Protection Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed, etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

For help or advice on any data protection issues please contact:

Information Governance Team
Middlesbrough Borough Council
PO Box 503
Middlesbrough
TS1 9FX
https://my.middlesbrough.gov.uk/fillform.php?self=1&form_id=PZBrztqnZL3&type=form&ShowMsg=1&ret=%2Fbuild%2F%7Cmodule%7C%7Cservices&noLoginPrompt=1

Signed: …….. Date: …….
(Chair of Governors)

Signed: …….. Date: ……..
(Headteacher)

Appendix 1

Procedure for Access to Personal Information

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 a pupil has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see below).

2. The right of parents to have access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

These procedures relate to the above mentioned rights.

Dealing with a request

Requests for personal information must be made in writing and addressed to the Headteacher. 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 personal information, and checks should also be carried out regarding proof of relationship to the child. Acceptable evidence of identity can be established by the production of:

- A valid passport
- A valid UK driving licence
- Any recent utility bill with the current home address
- Birth or Marriage certificate
- P45 / P60
- Credit Card or Mortgage statement

Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand. As a general rule, a child of 12 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf.

The Head teacher should discuss the request with the child and take their views into account when making a decision.

The school may charge a reasonable fee for the provision of information when a request is manifestly unfounded, excessive or repetitive. School may also charge a reasonable fee to comply with requests for further copies of the same information based on the administrative cost of providing the information.

The response time for subject access requests, once officially received, is 1 month. The school aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within one month of receiving the request. School may need to extend this period by a further two months if the requests are complex or numerous but will inform the individual within one month of the receipt of the request and explain why the extension is necessary.

Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another pupil/parent or has been provided by another agency, 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 1 month timescale.

Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved 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 from Finance Governance and Support (see contact details below).

Where redaction (information edited/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 viewed 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 should be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson 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 access to records or the Data Protection Act, then please contact:

Information Governance Team
Middlesbrough Borough Council
PO Box 503
Middlesbrough
TS1 9FX

Further advice and information can be obtained from the Information Commissioner's Office (https://ico.org.uk/)