



Data Policy

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Next Review: September 2018
Registration: Annually

A school, like every other data user, must conform to the requirements of the Data Protection Act (1998). In particular, this requires the school to formally notify the Office of the Information Commissioner (ICO) of:

- the purposes for which the school holds personal data
- what data it holds
- the source of the data
- to whom the data is disclosed
- to which countries the data may be transferred.

Under the Act, each school is a separate data user and must complete a notification each year.

The keeping of personal data covers facts and opinions relating to an individual. It also includes information regarding the intentions of the data controller towards the individual and the action that will follow the processing. For example, altering, destroying, disclosing, disseminating, obtaining and holding, together with a number of other actions, are all incorporated in the concept of processing.

Within the 1998 Act the Fifth Principle states:

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

A school must look at its original Notification under the Act and check on the stated purposes for which it is holding data. Each of these could then point to an appropriate length of time, for example:

- Finance Data – 6 years or as laid down by LEA Financial Regulations
- Pupil and Staff Data – 7 years seems to be an acceptable period, after which a school might not be required to provide exam results or references.

Cherry Lane Primary School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations. The details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

Rationale:

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.

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Data Protection Principles: The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. 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 data protection.

General Statement: Cherry Lane is committed to maintaining the above principles at all times.

The school will:

Inform individuals why the information is being collected when it is collected.

Inform individuals when their information is shared, and 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.

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 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 Mr S Whitehouse. If the initial request does not clearly identify the information required, then further enquiries will be made.

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2. 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.

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 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.

4. The school may 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 can charge up to £10 to provide it.

5. 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 Headteacher.

6. 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.

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

8. 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 40day statutory timescale.

9. Any information which may cause serious harm to the physical or mental health 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.

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

11. 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.

12. 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.

13. 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 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.

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Complaints: Complaints about the above procedures should be made to the Chairperson of the Governing Body, Mr P Haigh, 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 enquires in relation to this policy, please contact Mr S Whitehouse, Headteacher who will also act as the contact point for any subject access requests. Further advice and information can be obtained from the Information Commissioner's Office,

www.ico.gov.uk or telephone 0303 123 1113

Guidance: <http://www.ictknowledgebase.org.uk/dataprotectionpolicies>

http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx

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