# Whaddon CofE First School Data Protection Policy and Procedures

## Introduction

Our school gathers and uses personal information about staff, pupils, parents and other individuals who come into contact with the school 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.

## 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.

## Duty on Schools

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice (see appendix 1 for model) to all pupils/parents, which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

## Purpose

This policy and set of procedures are 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, on tape or disk, or otherwise electronically.

## Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must always be adhered to:

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.

**Policy**
Our school is committed to maintaining the above principles. Therefore, we will:

- Register, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use.
- 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.
- Issue a Privacy Notice which summarises the information held by us
- Ensure our staff are aware of and understand our policies and procedures.

**Rights of access to information**
Pupils, parents and guardians have two distinct rights of access to information held by schools about pupils as set out below.

In addition, the school may hold some information about parents and guardians, and the right of access to this is covered by number one below only:

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 (England) Regulations 2005.

**Procedures for responding to Subject Access Requests for access to a person's information 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 ***Headteacher*.** 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 when requesting data on a pupil, checks will also be carried out regarding proof of relationship to the child. Evidence of identity will be established by requesting production of a copy 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, 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. An educational record relates to record relating to academic achievement only. This type of record is available to all parents until the child becomes an adult with or without the consent of the child where this might apply. The school is required to respond within 15 school days (i.e. 15 consecutive days that the school is open to receive pupils for the purpose of teaching).

  Should the information requested be personal information that is not an educational record 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 Headteacher, if a copy is requested.

5. The response time for subject access requests, once officially received, is 15 school days where educational records are sought, and otherwise 40 days from receipt **(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 person. Before disclosing third party information consent will normally be obtained from them. (*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 should 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 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 be clarified and explained. If information contained within the disclosure is difficult to read or illegible, 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 considered when considering the method of delivery. If postal systems have to be used, then registered/recorded mail will be used.

**Complaints**
Complaints will be dealt with in accordance with the school's complaints procedure, a copy of which can be obtained from the school office.

Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator) www.ico.gov.uk or telephone 01625 5457453.

**Review**
This policy and set of procedures will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The review will be undertaken by the Headteacher, or nominated representative.

**Contacts**
If you have any enquires in relation to this policy and procedures, please contact ***(insert details of the Headteacher)*** who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 5457453

## Appendix 1 DATA PROTECTION ACT PRIVACY NOTICE

**Schools, local authorities and the Department for Educati**on (the Government department which deals with education) all hold information on pupils to run the education system, and in doing so have to follow the Data Protection Act 1998. This means, amongst other things, that the data held about pupils must only be used for specific purposes allowed by law. We are therefore writing to tell you about the types of data held, why that data is held, and to whom it may be passed on.

### Information to support teaching and learning

The **school** holds information on pupils 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 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.

### Information and images in literature or on the school website

In addition, the school will occasionally include information or images of your son/daughter in our school literature or on the school website. Please let the school know if this presents a problem to you and the school will take steps to ensure this information is not included. Parents need to be aware that at times the school may be legally bound to provide information to other bodies such as the police for example, which the school will try to do with the knowledge of the relevant parent(s).

### Transfer of data and use by other organisations

From time to time we are required to pass on some of data to the Local Authority (LA), to another school to which the pupil is transferring, to the Department for Education (DfE), and to Standards and Testing Agency which is responsible for the National Curriculum and associated assessment arrangements.

The **Local Authority** uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual pupils cannot be identified from them.

The government may require the school to share information with other agencies such as Health , Local Authorities and other relevant public bodies. The school will inform parents when this type of processing occurs and seek consent where this is necessary.

The **Standards and Testing Agency** uses information about pupils to administer the National Curriculum tests and assessments for Key Stages 1 to 3. The results of these are passed on to DfE in order for it to compile statistics on trends and patterns in levels of achievement. The Standards and Testing Agency uses the information to evaluate the effectiveness of the National Curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

The **Department for Education** uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the education service as a whole. The statistics (including those based on information provided by the Standards and Testing Agency) are used in such a way that individual pupils cannot be identified from them. The DfE will feed back to LAs and schools information about their pupils where they are lacking this information

because it was not passed on by a former school. On occasion, information may be shared with other Government departments or agencies strictly for statistical or research purposes only.

**Pupils' rights**

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If you wish to access the personal data held about your child, please contact the school in writing:

Whaddon CofE First School
Stock Lane
Whaddon
MK17 0LS