

Forge Valley School Data Protection Policy

Policy development:

This policy has been developed by building on our own best practice and that of other educational networks. It has been developed in consultation with governors, parents, staff and students and is accessible through the Forge Valley School website

Governor Committee: Full Governing Body

Ratified by governors: 7.5.15

Due for review: 7.5.18

Member of Staff responsible: Data Manager



Ratified by
Chair of Governors

Introduction and Context

Forge Valley School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the Academy. 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 Academy complies with its statutory obligations.

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.

Definition

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 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.

Data Protection Principles

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. In order to comply with its obligations, the Academy undertakes to:

1. Process personal data fairly and lawfully.

The Academy will make all reasonable efforts to ensure that individuals who are the focus of the personal data are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept and any other information which may be relevant.

2. Process the data for the specific and lawful purpose for which it collected the data and not further process those data, unless the individual is informed of any additional processing before it takes place.

The Academy will ensure that the reason for which it collected the data originally is the only reason for which it processes the data unless the individual is informed of any additional processing before it takes place.

3. Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.

The Academy will not seek to collect personal data which is not strictly necessary for the purpose for which it is obtained.

4. Keep personal data accurate and where necessary, up to date.

The Academy will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that it is accurate and each individual should notify The Academy if, for example, a change in circumstances mean that the data needs to be updated.

5. Only keep personal data as long as is necessary.

The Academy undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation and any other statutory requirements. This means that The Academy will undertake a regular review of the information held and implement a weeding process when for example a member of staff leaves The Academy.

The Academy will dispose of any personal data in a way that protects the rights and privacy of the individual concerned e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste.

6. Process personal data in accordance with the legal rights of the data subject under the legislation.

Individuals have various rights under the legislation including:

- A right to be told the nature of the information The Academy holds and any parties to whom this may be disclosed.
- A right to prevent processing likely to cause damage or distress.
- A right to prevent processing for marketing purposes.
- A right to be informed about the mechanics of any automated decision taking process.
- A right to sue for compensation if they suffer damage by any contravention of the legislation.
- A right to take action to rectify, block, erase or destroy inaccurate data.
- A right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

The Academy will only process personal data in accordance with individual's rights.

7. Personal data to be processed must be kept safe and secure.

The Academy will put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data and against accidental loss or destruction of data. All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties unless they have been informed of the intended processing and have signified their agreement. Consent cannot be inferred from the non-response to a communication.

The Academy will ensure that all personal data is accessible to only those who have a valid reason for using it.

The Academy will have in place appropriate security measures. Data held electronically will be password protected.

In addition, The Academy will put in place appropriate measures for the deletion of personal data- manual records will be shredded or disposed of as confidential waste. Hard drives of redundant PC's will be wiped clean before disposal.

This policy also applies to staff and pupils who process personal data 'off site' e.g. when working from home and in such circumstances additional care must be taken regarding the security of the data.

8. Ensure that personal data is not transferred to a country or a territory outside the European economic Area unless that country or territory ensure adequate level of protection for the rights and freedom of that subject in relation to the processing of personal data.

The Academy will not transfer data to such territories without the explicit consent of the individual.

This also applies to publishing information in the Internet. If The Academy collects any personal data in any form via its website, it will provide a clear and detailed privacy statement on the website and wherever else personal data is collected.

Glossary

“processing” means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

“data subject” means an individual who is the subject of personal data or the person to whom the information relates.

“personal data” means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, along with names and photographs if published in the press, Internet or media.

“parent” has the meaning given in the Education Act 1996, and includes any person having parental responsibility or care of a child.

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. 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 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 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 Academy 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 to provide it. (Usually £10)
- 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.

5. 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

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, 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.

8. 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.

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

10. 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.

11. 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.

12. Information can be provided at The Academy with a member of staff on hand to help and explain matters if requested, or provided at a 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.

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 Academy's complaint procedure. Complaints which are not appropriate to be dealt with through The Academy's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.