



Data Protection Policy

Primary and Secondary Academies

December 2017

1. Introduction and scope

- 1.1 Cuckoo Hall Academies Trust has a legal responsibility to ensure all academies comply with the Data Protection Act 1998. This is the current law that protects personal privacy and applies to any school or academy which processes or has access to people's personal data.
- 1.2 The Act helps ensure that the management of data held electronically and / or and in paper-based systems are processed correctly and also gives rights to the people about who the data relates. Cuckoo Hall Academies Trust is named as the '*Data Controller*' i.e. the personal data owner responsible for ensuring workplace practices and policies are in place
- 1.3 We also acknowledge that the law is changing with regard to the rights of individuals and that the General Data Protection Regulation (GDPR) is due to come into force in May 2018. Our policy will be reviewed in line with those requirements.

2. Definitions

2.1 Personal data

Data which can identify a living individual. This includes data that when combined with other readily available information, can lead to a living individual being identified. It also applies to data held visually in photographs or video clips (including CCTV) or as audio recordings.

2.2 Sensitive personal data

Data such as racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health (or condition), sexual life, criminal offences, criminal proceedings and convictions.

2.3 Processing

The obtaining, recording or holding or personal data

2.4 Data subject

The person(s) whose personal data is held or processed

2.5 Data controller

The owner of the data who determines the purposes for and the manner in which personal data is processed other than that which they are required to by law

2.6 Data processor

A person / organisation who processes personal data on behalf of the data controller (This does not include employees of the data controller)

3. Data protection principles

3.1 We are obligated to notify the Information Commissioner, who regulates the Data Protection Act, that information about individuals is being collected, processed and held. We are also obligated to follow the eight principles set out in the Act. The principles state that all personal information, or data, about individuals should be: -

i. Processed fairly and lawfully

In the absence of an overriding necessity or legal requirement to do so, consent is required to process personal data. In any event, individuals should be made fully aware of why we are collecting their information, what we intend using it for, and who else we may be sharing it with. **Our privacy notice is available on our website.**

ii. Processed for limited purposes

We will only process the personal data we've collected for the purposes we said we would when it was collected.

iii. Adequate, relevant and not excessive

We will only collect and process the information we need as opposed to any additional information that may be useful in the future for another purpose.

iv. Accurate and up to date

We will regularly review the information we hold to ensure that personal data is kept up to date.

v. Kept no longer than is necessary

Depending on the overriding need of any legislation, statutory or legal requirement, data will not be kept longer than is required for the purposes of processing.

vi. Processed in line with the individual's rights

The Data Protection Act creates rights for those individuals whose data we are processing and responsibilities for our academies which process and record that data.

vii. Secure

We must ensure that appropriate measures have been taken to ensure your information is safe, secure and cannot be accessed by anyone that isn't authorised to do so.

viii. Not transferred to countries that don't have suitable data protection controls.

In the rare and extreme circumstances where we may be required to, we will not send personal data outside of the European Economic Area without first establishing whether the recipient territory has an adequate level of data protection in place.

3.2 Personal information cannot usually be released to anyone else without the data subject's consent or knowledge. However, there are certain circumstances when a third party (such as a government agency or law enforcement agency) can request information and we may be obliged to provide it to them (for example where the disclosure is required by law or by a court order). Additionally, we have a statutory obligation to report some statistical information to the DfE (for example the school and workforce census).

4. Requesting personal data

4.1 Individuals have a right to request access to personal data which the Trust holds about them. This is known as a 'subject access request'

4.2 A person to whom the personal data relates is about is known as the '*data subject*' and the person who is making the request is known as the '*applicant*'. A common example of this relationship would be when a parent (*applicant*) is seeking personal information about their child (*data subject*). The applicant and the data subject can of course be the same person.

4.3 It should be noted that whilst someone with parental responsibility may make a request for personal data about their child, data protection legislation requires a data controller to assess the competency of a data subject and this is not simply restricted to their age. In some cases, the consent of the child may still be required before information is shared with a parent.

What we will require

4.4 Subject access requests must be submitted in writing and should include the following information: -

- The name of the data subject
- The name of the applicant and their relationship to the data subject (if it is a different person)
- A correspondence address
- A contact number and email address
- Details and / or a description of the data requested.

4.5 Requests should be addressed to the 'Data Protection Officer' and can be sent directly to them or to the academy office directly. Contact details can be found at the end of this document in **APPENDIX 1**

4.6 We will also require proof of identity. Anyone who is in regular contact with the academy may wish to make an appointment to confirm identification in person however we still may require photographic identification (such as a valid passport or driving licence)

- 4.7 If we are asked to post the information, we will require a proof of current address (such as a recent utility bill or council tax or bank statement) as we must ensure that any data that we release is sent securely and to the correct address. Alternatively, information can be collected in person as we do not consider unencrypted email as a secure method of communication when disclosing personal data.
- 4.8 Anyone making a request on someone else's behalf must provide us with that person's signed, written consent, or proof that they are legally entitled to act on their behalf. We still may need to verify this as per section 4.5 above
- 4.9 There is also a £10 processing fee.
Cheques and postal orders should be made payable to '*Cuckoo Hall Academies Trust*'. Alternatively, we may be able to process this electronically. Please note that in some very exceptional circumstances (for example the type and volume of information requested) there may be an additional fee required and we will advise if this is the case.
- 4.10 Following receipt of the written request, fee and confirmation of identity, the response will be disclosed within 40 calendar days. If we do not have enough information required to perform a search we will contact the applicant and ask for more details.
- 4.11 It should be noted that the unlawful obtaining or disclosure of personal data without consent of the Data Controller is an offence under Section 55 of the Data Protection Act 1998.

5. Disclosing information

- 5.1 The information that you can expect to receive from us will usually be a copy in whatever format we hold it in.
- 5.2 Depending on what information has been requested we will explain any jargon or abbreviations, may provide a summary sheet detailing what we have used the information for, and may explain what information we have withheld and why (if appropriate).
- 5.3 As per the Data Protection Act 1998, there are some instances where we may not be able to release some of the information that has been requested such as:
- personal information about any other person unless we receive their consent (we will redact or remove those sections, if we can, to make them anonymous)
 - information provided by another person, such as a health visitor or the police, unless we receive their permission to do so
 - examination marks ahead of national release

- information contained in adoption and parental order records
- legal advice provided by a legal professional
- information that would prejudice the prevention / detection of crime
- information that might cause serious harm to the physical or mental health of the applicant, data subject or another individual

5.4 If you find incorrect information held about you then please write and tell us what is wrong and how you think it should be corrected. An assessment will be made and the information may be updated. Sometimes it may not be possible to amend historic information if it were key to decision making at the time.

6. Education Records

6.1 The Education (Pupil Information) England Regulations (2005) do not apply to non-maintained schools such as Academies.

6.2 The Education (Independent School Standards) (England) Regulations 2010 make provision for Academies to generate and send parents annual written reports relating to progress and attainment in the main subject areas taught.

6.3 Parents of children wishing to access information that is not routinely shared with them must therefore make a request under the subject access provisions of the Data Protection Act as per Sections 4 and 5 above.

7. Disposal of records

7.1 Personal information that is no longer needed, or has become inaccurate or out of date will be disposed of securely

Data protection officer and individual academy contact details



Data Protection Officer

Cuckoo Hall Academies Trust

c/o Harmony House, Cuckoo Hall Lane, Edmonton, London N9 8DR

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