



Data Protection Policy

St. Andrew's C of E Primary School

February 2017

The Diocese of Ely Multi Academy Trust

Data Protection Policy

1. Introduction

To work effectively as a DEMAT Academy, the school is required to process relevant personal data about pupils, their parents/carers, staff and other individuals with whom the school has contact. The school will take all reasonable steps to do so in accordance with this policy and the principles of The Data Protection Act (1998).

Processing means obtaining, recording or holding the information or data or carrying out any other set of operations on the information or data.

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

Personal data means data which relates to a living individual which could be used to identify the individual.

Parent has the meaning given in The Education Act (1996), and includes any person having parental responsibility or care of a child.

In this policy, any subsequent reference to pupils includes current, past or prospective pupils.

2. Obtaining further information

Further information about the school's Data Protection policy and procedures can be obtained from the Headteacher. General information about the Data Protection Act can be obtained from the Information Commissioner's Office (Helpline: 08456306060, website: www.ico.gov.uk).

3. The principles of The Data Protection Act (1998)

So far as is reasonably practicable, the School will comply with the principles of The Data Protection Act (1998) to ensure all data is:

- Fairly and lawfully processed;
- Processed for limited purpose(s);
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than necessary;
- Processed in accordance with the data subject's rights;
- Stored securely;
- Not transferred to other countries without adequate data protection.

4. Processing Personal Data

The school undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access.

For pupils, personal data may include (but is not limited to): names and addresses, academic, disciplinary, admissions and attendance records, references, test scripts and marks.

5. Data Integrity

The school undertakes to ensure data integrity by the following methods:

5.1. Data Accuracy

Data held will be kept as accurate and up to date as is reasonably possible. If a data subject informs the school of a change of circumstances their record will be updated as soon as is practicable. A data checking sheet will be provided to data subjects according to guidance, and as quickly as is practicably possible, so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the school will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, the school shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Local Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

5.2. Data Adequacy and Relevance

Data held will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the school will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

5.3 Retention

Data held about individuals will not be kept for longer than necessary for the purposes registered.

6. Rights of Access

The Data Protection Act (1998) extends to all data subjects the right of access to their own personal data. Where a request for subject access is received from a pupil, the school's policy is that:

- Requests from pupils will be processed as a subject access request as outlined below and a copy of the information will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

6.1. Processing Subject Access Requests

Requests for access must be made in writing to the Headteacher, and responses will be made as soon as is practicably possible and in accordance with legally-prescribed timescales (currently no more than 40 working days from the date of the request). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of the request will be deemed to be the date on which sufficient information has been provided.

Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school dates in accordance with the current Education (Pupil Information) Regulations.

The school may take legal advice in determining what information may be released. Certain data is exempt from the right of access under the Data Protection Act, and this may include:

- Information that identifies other individuals,
- Information that the School reasonably believes is likely to cause damage or distress,
- Information that is subject to legal professional privilege,
- Student test scripts.

Unless otherwise stated, the school will treat as confidential any reference given by the school.

The school acknowledges that an individual may have the right to access a reference relating to them which is received by the Academy. Such references will only be disclosed if such disclosure does not identify the source of the reference, or if the referee has given their consent, or if disclosure is reasonable in the particular circumstances.

6.2. Exemptions

Certain data is exempted from the provisions of the Data Protection Act (1998). Information relating to the following will not be released to individuals:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

The above are examples only of some of the exemptions under the Act. Parents and students should note that any information relating to child protection, or which reveals the identity of another student, will not be released.

7. Disclosure of Information

A **legal disclosure** is the release of personal information to someone who requires the information to do his or her job within, or for, the school, provided that the purpose of that information has been registered.

An **illegal disclosure** is the release of information to someone who does not need it, or has no right to it, or one which falls outside the school's registered purposes.

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the school may disclose data without explicit consent for that occasion. These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education, administration and safeguarding that is necessary for the school to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to authorised personnel during maintenance of the computer system. In such circumstances the individual would be required to sign a non-disclosure statement. IT personnel working on behalf of the school or DEMAT are contractually bound not to disclose personal data.

Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who needs to know the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause harm to the physical or mental health of the individual or that of anyone else.

The school may receive requests from third parties to disclose personal data it holds about students or their parents. The school confirms that it will not generally disclose information unless the individual has given their consent, or where one of the specific exemptions under the Data Protection Act applies. When the school receives a disclosure request from a third party, it will take all reasonable steps to verify the identity of that third party before making any disclosure.

8. Use of Personal Information by the School

The school will, from time to time, make use of personal data relating to pupils and their parents in the following ways. Should a parent wish to limit or object to any such use, please notify the School in writing.

- To make use of photographic images of pupils in school publications and on the school website. The school will not publish photographs of individual pupils on the school website without the agreement of the parent/carer.
- For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the school, including transferring information to any association society or club set up for the purpose of establishing or maintaining contact with pupils or for fundraising, marketing or promotional purposes.

9. Security

The school will take reasonable steps to ensure that members of staff will only have access to personal data relating to students and their parents where it is necessary for them to do so. All staff will be made aware of this policy and their duties under The Data Protection Act (1998). The School will ensure that all personal information is held securely and is not accessible to unauthorised persons. The school undertakes to ensure security of personal data by the following methods:

9.1. Physical Security

Appropriate building security measures are in place, such as alarms, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the required areas. Disks, data sticks and printouts are stored securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

9.2. Computer Security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files, and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly.

9.3. Procedural Security

In order to be given authorised access to certain data, appropriate staff have to undergo checks and sign a confidentiality agreement within their contract. All staff are trained in their Data Protection obligations and their knowledge updated as necessary.

9.4 External Data Holders

Some data may be held externally to the school but, if so, the school will ensure that it is protected in similar fashion to 9.1, 9.2 and 9.3 above.

Overall security policy for data is determined by the Headteacher and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent. Any queries or concerns about security of data in the school should in the first instance be referred to the Headteacher.

10. Enforcement

Individual members of staff can be personally liable in law under the terms of The Data Protection Act (1998). They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with The Data Protection Act (1998), they should utilise the school's complaints procedure and should also notify the Headteacher.

The Diocese of Ely Multi Academy Trust

FREEDOM OF INFORMATION POLICY AND PROCEDURES

St. Andrew's C of E Primary School

The Diocese of Ely Multi Academy Trust and St. Andrew's C of E Primary school are committed to openness and transparency in the provision of information to all persons or organisations who request it.

We will provide information promptly, subject to the following conditions, which are based on our duties under the Freedom of Information Act 2000:

- Copies of reference documents, such as policy statements and procedural guidance will be provided free of charge or as published on the school's or DEMAT's website
- We will normally confirm within 5 working* days whether or not we hold the information you request and, if we do, we will provide it within 20 working* days. ***Please note: Working days refers to term time only as contained in Statutory Instrument 3364.**
- Your request must be in writing (letter or email) to ensure that we have a clear statement of what is requested.
- In some circumstances we may withhold the information you have requested under one of the exemptions applicable under the legislation.
- If you do not accept our reasons for declining to disclose the information requested you should write to the Chair of the Local Governing Body at the school in the first instance. If you are not happy with their response, you may wish to contact The Diocese of Ely Multi Academy Trust on 01353 652710/rachel.beeson@ely.anglican.org

You can also appeal to Information Commissioner at:

The Information Commissioners Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5A Telephone 01625 545700 – Helpline is open from 9am to 5pm, Monday to Friday

Fax 01625 524510

Email mail@ico.gsi.gov.uk*protected email*

- Whilst we will provide most information free of charge, a fee may be charged for photocopying/printing/postage of longer documents where the required information is not listed in our Publications Scheme as being available either free of charge or at a stated charge. If you ask for information in an expensive alternative format, we may charge for this, subject to legislation, such as the Disabilities Discrimination Act. (See '**Charges**' below).
- If we intend to charge for the provision of information, we will tell you in advance what the charge will be (through a fees notice) and will provide the information when we receive payment (cash or cheque). The time allowed for us to provide the information (20 working* days) does not include the period between the issuing of the fees notice and the receipt of the payment.
- We may be unable to provide the information you request for any for the following reasons:
 - We do not hold the information
 - We are applying an exemption to the disclosure
 - It would cost the School more than £450.00 to provide the information (this figure is set by Government and is based on the work exceeding 18.5 man hours to gather the information).

- If we are unable to provide the information we will do all we can to advise you as to how you might obtain the information elsewhere or in a different way to keep the cost down.
- The School will seek advice from the DEMAT as necessary to clarify any points or to help resolve any disputes over information requests.

CHARGES

The general charge for photocopying, printing and faxing or emailing information as an attachment is *10p* per sheet. Postage charges will be at the appropriate rate. For more substantial items, the fee charged depends on whether we estimate that it would cost more or less than £450.00 to provide the information.

In the vast majority of cases the cost will be under £450.00 and we will then charge only for photocopying, printing and postage. We may also charge for any work required to put the information into the required format, which could involve, for example:

- summarising the information;
- putting the information onto CD, video or audio cassette;
- translating the information into a different language.

We will not normally charge for providing information in an alternative format where this is requested on grounds of disability.

Review date: