

Data Protection Policy

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General Statement

The Academy, LA and DfE hold information on **students** in order to run the education system. In doing so the Academy has to follow the Data Protection Act, 1998. Data help about students has to be used for specific purposes, allowed by law.

The Academy holds information about **staff** in its employment records in order to perform key tasks e.g. recruitment, performance monitoring, recording absence and health & safety matters. The Academy has to comply with the Data Protection Act, 1998 to ensure it is collected and used fairly, stored safely and not disclosed to other persons unlawfully.

The Governing Body has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions. The Principal and Governors of Preston School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1998. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

Policy Statement

The Academy requires all its employees who process or use any personal information from employment records to comply fully with its Data Protection Policy and the principles of the Data Protection Act. Disciplinary action may be taken against any employee who breaches any of the instructions or procedures following from the Policy.

The Academy will hold the minimum personal data necessary on the employment records to enable it to perform its key tasks and the data should be erased once the need to hold it has passed. The Academy will retain some information longer than other information, see Appendix 1 for guidelines regarding retention periods. Every effort will be made to ensure that data is up to date and inaccuracies will be corrected as soon as possible but within 5 school days. Personal data must be treated as confidential and disclosures of data must be in accordance with the provisions of the act and the Academy's notification.

Data Integrity

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

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as possible but within 5 school days. A printout of their data record will be provided to data subjects every twelve months 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'. The date of the challenge will be recorded so that the dispute is resolved in line with our complaints procedure. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the 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.

Data Adequacy and Relevance

Data held about people 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 annually for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Any deletion of data will be authorised by the Vice Principal (Achievement & Guidance).

Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered – see appendix 1. It is the duty of The Principal to ensure that obsolete data is properly erased and any paper copy held is suitably destroyed.

Student Data

The Academy holds information on students in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the Academy as a whole is doing. This information includes contact details, National Curriculum assessment results, attendance information, and characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time we are required to pass on some of this data to the Local Authority (LA), to another school or Academy to which the student is transferring, to the Department for Education (DfE), and to other bodies which are associated with examination and assessment arrangements.

The LA uses information about students to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the student may have. As with the DfE, it may also use the information to derive statistics to inform decisions on (for example) the funding of Academies, and to assess the performance of Academies and set targets for them. **The statistics are used in such a way that individual students cannot be identified from them.**

On occasions, information may be shared with other Government departments or agencies strictly for statistical or research purposes only. Students, 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 a student wishes to access their personal data, or a parent wishes to do so, on their behalf, they can contact the relevant organisation in writing.

- the Academy
- the LA's Data Protection
- the DfE's Data Protection Officer

Please note that all rights under the Data Protection Act to do with information about students rest with them as soon as they are old enough to understand these rights. This will vary from one child to another and you will wish to consider the position for your child, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12.

Separately from the Data Protection Act, DfE regulations provide a student's parent (regardless of the age of the student) with the right to view, or to have a copy of, their child's educational record at the Academy. If a parent wishes to exercise this right they should write to the Academy.

Providing information to Connect South West

For students approaching or above age 13 the school is required to pass on information to the Connect South West Service, who manage our Careers, Advice & Independent Guidance in school. This information includes the name and address of the student and parent, and any further information relevant to the Connect South West Service's role, which is to support young people, helping them to achieve their potential and to realise benefits from education, learning and employment. However, parents, or the students themselves if aged 16 or over, can ask that no information beyond name and address (for student and parent) be passed on to Connect South

West. If as a parent, or as a student aged 16 or over, you do not want Connect South West to receive from us information beyond name and address, please contact the Academy within two weeks of receiving the letter home regarding this.

Since, for students aged 16 or over, the right to ask for information beyond name and address not to be passed to Connect South West rests with the student rather than the parent, it is particularly important that you share this note with your child if they are of this age.

The LA and DfE may provide Connect South West with information which they have about your child, but will not pass on any information they have received from us if you (or your child if aged 16 or over) have notified the Academy that Connect South West should not receive information beyond name and address.

If photographs of children are used by the Academy, parents will be asked to give their consent for this to happen. (see: Photography (Protection of Students) Policy)

Staff Data - Employment Records

The Academy holds various items of information in employment records about its employees to allow it to perform key tasks e.g. recruitment, monitoring performance, recording absence and health and safety matters. To comply with the Data Protection Act 1998 this information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this the Academy must comply with the 8 Data Protection Principles, in summary these state that personal data shall be;

- Processed fairly and lawfully and shall not be processed unless certain conditions are met
- Obtained for specified and lawful purpose and not processed in a manner incompatible with that purpose
- Be adequate, relevant and not excessive for that purpose
- Accurate and up to date
- Kept for no longer than necessary
- Processed in accordance with the data subject rights
- Protected by appropriate security
- Not transferred without adequate protection

Definitions

The information in the Employment Records contains both personal and sensitive personal

data:

- personal data identifies the individual
 - from the data
 - from the data or other information held
 - includes expressions of opinion about an individual

- sensitive personal data details the individual's
 - Racial or ethnic origin
 - Political opinions
 - Religious belief
 - Membership of a trade union
 - Physical or mental health condition
 - Sexual life
 - Criminal offences
 - Criminal proceedings and convictions

Sensitive personal data cannot be held or processed without the express consent of the individual or unless a Schedule 3 condition is satisfied e.g. to comply with any legal obligation associated with employment.

Employee Responsibilities - Employees are responsible for

- Ensuring any information they provide to the Academy in connection with their employment is accurate and up to date.
- Informing the Academy of any changes to information they have previously provided eg changes of address.
- Checking the information that the Academy will send out from time to time giving details of information held and processed.
- Informing the Academy of any errors or changes

If and when employees as part of their responsibilities collect, access and process information for employment records they must comply with the Guidelines for Data Protection see Appendix 2.

Line Managers are responsible for ensuring all employees they supervise are aware of their responsibilities under the Data Protection Act.

The Academy will review annually the personal data held in respect of individual employees and will send a copy to employees to ensure it is accurate and up to date, with the returned record signed and dated by the employee

Data Security

Personal information should be kept in a locked filing cabinet or kept only on an electronic data storage device, which is itself kept securely.

All employees are responsible for ensuring that

- Any personal data which they have is kept secure, particularly if taking data off site on laptop computers or files. In this sense 'secure' is defined as only the intended user being able to access personal data.
- Personal information is not disclosed either orally or in writing deliberately or accidentally or otherwise to any unauthorised third party
- No personal information is given to a third party over the telephone, all requests should be confirmed in writing and replied to in writing.
- Employees should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases. It may also result in a personal liability for the individual employee.

Right to Access Information

Employees have the right to access the information held on their employment record and anyone who wishes to exercise this right should complete the Subject Access Form (see Appendix 3) and give it to their Directorate Personnel/Staffing Section. The Academy will not charge a fee for the access request.

The Academy will comply with the request as soon as possible but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases the reason for the delay will be explained in writing to the employee making the request.

Authorised Disclosures

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the School's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration 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 eg in respect of payroll, administrative and any relevant disciplinary matters when applying for other jobs.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the LEA are IT liaison/data processing officers, for example in the LEA, are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of 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 requires the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

A 'legal disclosure' is the release of personal information from the computer 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.

Subject Access

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the school's policy is that:

- Requests from pupils will be processed as any subject access request as outlined below and the copy 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 or carers.
- 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.

Processing Subject Access Requests

Requests for access must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form, available from the School Office. Completed forms should be submitted to 'PA to the Principal'. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (eg Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). 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 entry in the log will be 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 days in accordance with the current Education (Pupil Information) Regulations.

Enquiries

General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 01625 545 745, website www.dataprotection.gov.uk)

Appendix 1

Retention of Data

Personal information should not be retained on the employment record for any longer than is necessary for the purpose required but equally it should not be discarded if doing so renders the record inadequate.

Retention Timescales

- Application Form - 6 years from end of employment
- References received - 6 years from end of employment
- Payroll and Tax information - 6 years from end of employment
- Annual Leave record - 2 years
- Unpaid/Special Leave record - 6 years from end of employment
- Sickness records - 6 years from end of employment
- Annual Appraisal record - 6 years from end of employment
- Records relating to promotion, training - 6 years from end of employment
- Disciplinary record - 6 years from end of employment
- References given - 6 years from date reference provided
- Summary Record of Service - 6 years from end of employment
- Eg Name, post(s) held dates of - 10 years from end of employment
- Accident record at work - 15 years
- Injury at work record - 15 years

These timescales can be extended where there is a justified business reason for doing so not merely that it might be useful to hold such documentation.

Application forms and other associated documentation within the Code of Practice for Recruitment and Selection of unsuccessful candidates for jobs should be destroyed after 8 months unless subject to challenge.

Appendix 2

Guidelines for Data Protection

Data cannot be processed unless the person submitting the data knows who is the Data Controller and to what purpose the information is to be used therefore, before processing any personal information consider:-

- Has the employee been informed that Preston School Academy is the Data Controller?
- Has the employee been informed of the use(s) the Academy intends to make of the data?
- Is it really necessary to record the information?
- Is the information standard or sensitive?
- If sensitive, do you have the employee's explicit consent to process or does a Schedule 3 condition apply *RF what is a schedule 3?
- Has the employee been informed that this type of sensitive data will be processed?
- Are you authorised to collect/store the data?
- Have you checked with the employee that the information is accurate?
- If not has the employee been allowed to amend the information?
- Are you sure the information is secure?
- Are you sure the subject access request comes from the employee whose file it is?
- Do not disclose any information from which a third party can be identified unless they have given consent to the disclosure?
- Do not disclose information to a third party over the telephone always insist on any request being put in writing?
- Do you have the employee's consent to disclose the information to a third party?

Appendix 3

Subject Access Request Form

Under the terms of the Data Protection Act, employees are entitled to request details of information held in their employment record. The Academy needs to be assured of the employee's identity before the information is released. To assist us to provide the information you require, please complete the form.

Surname -----

Forename -----

Payroll No. -----

I wish to have access to either [delete as appropriate]

1 All the information held in my employment record

2 The following data held in my employment record

- Personal details - Name, address etc
- References given
- Disciplinary records
- Sickness records
- Trade Union information
- Leave records
- Payroll and Tax information
- Appraisal record

Signed-----

Dated-----