

THE FEDERATION OF NETTLESTONE & NEWCHURCH PRIMARY SCHOOLS



DATA PROTECTION POLICY

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DMF Botlett

Signed: _____

Chairman Board of Governors

Revision No.	Date Issued	Prepared By	Approved	Comments
1	January 2018	DR	FGB	Formulation of Policy in line with model policy from ICO.

All the governors and staff of The Federation of Nettlestone & Newchurch Primary Schools are committed to sharing a common objective to help keep the children and staff of the school community safe. We ensure that consistent effective safeguarding procedures are in place in order to support families, children and staff of the school.

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1. Aims

Our Federation aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998.

This policy applies to all data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is new legislation due to come into force in 2018.

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

3. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: <ul style="list-style-type: none">• Contact details• Racial or ethnic origin• Political opinions• Religious beliefs, or beliefs of a similar nature• Where a person is a member of a trade union• Physical and mental health• Sexual orientation• Whether a person has committed, or is alleged to have committed, an offence

	<ul style="list-style-type: none"> • Criminal convictions
Processing	Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

4. The data controller

Our Federation processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our Federation delegates the responsibility of data controller to the School Business Manager.

Each school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

5. Data protection principles

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level

of protection for the rights and freedoms of data in relation to the processing of personal data

6. Roles and responsibilities

The Governing Body has overall responsibility for ensuring that the Federation complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the Executive Headteacher, or the Head of School in the Executive Headteacher's absence. The Executive Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the Federation of any changes to their personal data, such as a change of address.

7. Privacy/fair processing notice

7.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the Federation is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our Federation. The purpose of processing this data is to assist in the running of the Federation, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the School Business Manager.

8. Subject access requests

Under the Data Protection Act 1998, pupils have a right to request access to information the Federation holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax.

Requests should include:

- The pupil's name

- A correspondence address
- A contact number and email address
- Details about the information requested

The Federation will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply.

Number of pages of information to be supplied	Maximum fee (£)
1-19	1.00
20-29	2.00
30-39	3.00
40-49	4.00
50-59	5.00
60-69	6.00
70-79	7.00
80-89	8.00
90-99	9.00
100-149	10.00
150-199	15.00
200-249	20.00
250-299	25.00
300-349	30.00

350-399	35.00
400-449	40.00
450-499	45.00
500+	50.00

If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

10. Information sharing in the event of a safeguarding concern

In some circumstances, information sharing is vital to safeguarding and promoting the welfare of children and young people. The HM Government's advice document 'Information Sharing - March 2015' advises that "the Data Protection Act 1998 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately."

Staff should use their judgement when making decisions on what information to share and when and should follow Federation procedures or consult with the Executive Headteacher or Head of School if in doubt. The most important consideration is whether sharing information is likely to safeguard and protect a child.

The flowchart in Appendix A When and How to Share Information should be followed.

11. Storage of records

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

11. Disposal of records

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

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

12. Training

Our staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

13. The General Data Protection Regulation

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

14. Monitoring arrangements

The Governing Body is responsible for monitoring and reviewing this policy.

The Executive Headteacher checks that the school complies with this policy by, among other things, reviewing school records **annually**.

This document will be reviewed when the *General Data Protection Regulation* comes into force, and then **every 2 years**.

At every review, the policy will be shared with the governing board.

15. Links with other policies

This data protection policy and privacy notice is linked to the Freedom of Information Publication Scheme and the Record Management Policy.

Appendix A - When and How to Share Information

