

# DATA PROTECTION ACT 1998

## YOUR RIGHTS AS PUPILS AND PARENTS AND OUR OBLIGATIONS

### What is the Data Protection Act 1998?

It is a law that came into force on 1 March 2000. It was introduced to protect personal data, that is data about individuals, no matter how it is processed, what it is processed for or who processes it. The Act covers not only data held on computers, but also manually processed records of personal data.

### How is my personal data protected?

The Act specifies rules and conditions which all users (the Act calls us "Controllers") of personal information must obey when obtaining and using information about you. The Act also provides you with certain rights, which the controllers must respect.

### What are my rights as a student?

You can regardless of age:

- Ask the school whether or not we hold personal information about you
- Ask what we use the information for
- Be given a copy of the educational records we hold
- Be given details about the purposes for which the schools uses the information and of other organisations or persons to whom we may disclose it
- Ask for incorrect data to be corrected
- Ask us not to use personal information about you for direct marketing; not to process information which is likely to cause damage or distress, and not to make decisions about you based on the automatic processing of the data
- Seek compensation for damage or distress should these be caused by our failure to comply with certain requirements of the act. Further details of your rights are set out in the Education (Pupil Information) (England) Regulations 2000 leaflet, available from the Data Protection Commissioner.

### Are there any exemptions?

You cannot:

- Have access to information which might cause harm to your physical or mental health or that of a third party.
- Have access to information which forms part of some court reports.
- Have access to information which would hinder the prevention and detection of crime or the prosecution or apprehension of offenders.

### Do parents have specific rights?

You can:

- Ask for access to your child's official educational school records
- Seek redress under the Data Protection Act only if acting on behalf of your child

### Why does the School keep personal information?

To enable us to provide you with statutory educational provision and related services. The school has a statutory obligation to complete an official notification document, that details what personal information the school holds and why it processes it and to whom it may be disclosed. Should you wish to view the notification which the school has submitted to the Information commissioner you can access this on the Information Commissioner website (<http://www.dataprotection.gov.uk/>).

### Does the School need my consent to use information about me for any of these purposes?

We require your consent only if we are going to process data about you for purposes other than those we are required to provide by law, or where we intend using data required for one legal purpose for another. All application forms and requests for information explain why we require the information requested and whether or not we need your consent.

### What are the school's obligations to me under the Act?

- When you supply us with information, you will be told all the purposes for which it may be used and to whom it may have to be disclosed.
- We will not disclose your information to any third part without your consent unless we are legally required to do so, or it is necessary in order to provide you with the services to which you are entitled, or which you have requested.

- We have a duty to protect public funds and to prevent or detect crime. It may be necessary from time to time to share certain of your information with other local authorities, Government Departments, and bodies with a similar duty, for this purpose.
- We will ensure that any third party to whom we disclose your data uses it only for purposes that we have stipulated.
- We will not hold any information about you unless it is relevant to the purposes for which it is being processed.
- We will periodically review the information that we hold about you and delete information that is out of date and no longer needed.
- We will not transfer or disclose your information, without your consent, to any country outside of the European Economic Area that is not considered to provide an adequate level of protection.

### **How do I ask to see information about me?**

You must write to the Head Teacher of the school asking to see personal data held. If as a student you are unable to exercise your own rights under the Data Protection Act (for instance because you are too young), your parents/legal guardian can make subject access requests on your behalf. You will need to provide your name, address and date of birth and in the instance of former students, dates of attendance and any other relevant information necessary to locate the data held. Parents can also request copies of the educational records of their children by writing to the Head Teacher. This is an independent right of access to pupil records, therefore students themselves have no right to prevent their parents from obtaining a copy of their school records.

### **Do I have to pay to see the information?**

Yes, if you request a hard copy of the record a fee covering the cost of supplying the information may be charged. This is set by the school's governing body. We will respond to your request within 15 school days.

### **What information will I receive?**

All the information the School holds about you on both its computer and manual records, a description of the purposes for which we process your data, a list of other organisations or individuals to whom it is disclosed and information about the sources of the data.

### **How will I be given the information?**

You will be given a copy to keep and check for accuracy. This will either be a computer printout or a photocopy of your manual records.

### **What do I do if any data is incorrect?**

You must write to the Head Teacher telling us what data is incorrect and asking for the data to be corrected. The School must tell you what it has done within 21 days of receiving your request. If the School does not agree that the information is incorrect you can ask it to record your disagreement on your records. You can also appeal to the Information Commissioner or the courts if the School does not correct the information.

### **What if I think I have not been given all the information I asked for?**

You can appeal to the School through its appeals procedure. Alternatively, you can appeal to the Information Commissioner, the address is at the back of this booklet. The Commissioner's staff will look into the matter on your behalf.

### **How can I prevent the School from using my information for a purpose, which could cause me damage or distress?**

If you think that the use of your personal data could cause you possible distress or damage, you should write to the Head Teacher to explain why this is the case, so that we can take any necessary steps to stop this happening.

### **How will I know if the School has done as I asked?**

The Data Protection Act requires us to respond no later than 21 days after we have received your request. If we do not do so, or refuse to do as you ask, you can appeal to the court.

### **How will I know if decisions about me have been made by automatic means?**

We will tell you when we notify you of the decision, and ask you to contact us if you have any objections. If you do object, we will review our decision but this time will not do so by automated means.

### **What can I do if the School has broken the rules?**

If the School has broken any of the rules or conditions established by the Act, and you have suffered damage or distress as a result, you may be able to claim compensation.

Claims are made through the courts. You must be able to show that the School had not taken reasonable care to ensure it complied with the Act. If you are claiming that we have used inaccurate data, you must be able to show that you have suffered damage as a result.

### **Where can I obtain more information about the Act?**

You can obtain more information from the Commissioner's web site [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk) or from the information line (01625 545745) or by writing to :

The Office of the Information

Commissioner, Wycliffe House, Water

Lane, Wilmslow, Cheshire. SK9 5AF.

Requests for access to information should be sent to:

The Headteacher

Brough Primary School

Springfield Avenue

Brough

East Riding Of Yorkshire

HU15 1AE

### **The standards that you can expect**

We promise that your information:

- Will be processed fairly and lawfully
- Will only be used for permitted purposes and for the purposes for which it was collected
- Will be kept accurate
- Will not be kept for any longer than is necessary to satisfy the purposes for which it was collected
- Will be processed in accordance with your rights
- Will be kept secure.