

Broom Cottages Primary & Nursery School



Data Protection Policy

APPROVED SEPTEMBER 2016, SUBJECT TO ANNUAL REVIEW

Introduction

1. Aims & Objectives:

The aim of this policy is to provide a framework to enable staff, parents and pupils to understand:

- The law regarding personal data
- How personal data should be processed, stored, archived and deleted/destroyed
- How staff, parents and pupils can access personal data

1.1. It is a statutory requirement for all schools to have a Data Protection Policy:

(<http://www.education.gov.uk/schools/toolsandinitiatives/cuttingburdens/a00201669/statutory-policies-for-schools>)

1.2. Data Protection Principles

The Data Protection Act 1998 establishes eight principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

2. Data Types

Not all data needs to be protected to the same standards, the more sensitive or potentially damaging the data is, the better it needs to be secured. There is inevitably a compromise between usability of systems and working with data. In a school environment staff are used to managing risk, for instance during a PE or swimming lesson where risks are assessed, controlled and managed. A similar process should take place with managing school data. The DPA defines different types of data and prescribes how it should be treated.

The loss or theft of any Personal Data is a "Potential Data Breach" which could result in legal action against the school. The loss of sensitive personal data is considered much more seriously and the sanctions may well be more punitive.

2.1. Personal data

The school will have access to a wide range of personal information and data. The data may be held in a digital format or on paper records. Personal data is defined as any combination of data items that identifies an individual and provides specific information about them, their families or circumstances. This will include:-

- Personal information about members of the school community – including pupils / students, members of staff and parents / carers e.g. names, addresses, contact details, legal guardianship contact details, disciplinary records.
- Curricular / academic data eg class lists, pupil / student progress records, reports, references
- Professional records eg employment history, taxation and national insurance records, appraisal records, disciplinary records and references
- Any other information that might be disclosed by parents / carers or by other agencies working with families or staff members.

2.2. Sensitive Personal data

Sensitive personal data is defined by the Act as information that relates to the following 8 categories: race and ethnicity, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexual life and criminal offences, criminal proceedings. It requires a greater degree of protection and in a school would include:-

- Staff Trade Union details
- Information on the racial or ethnic origin of a child or member of staff
- Information about the sexuality of a child, his or her family or a member of staff
- Medical information about a child or member of staff
- Information relating to any criminal offence of a child, family member or member of staff.

Note – On some occasions it is important that medical information should be shared more widely to protect a child - for instance if a child had a nut allergy how it should be treated. Where appropriate written permission should be sought from the parents / carers before posting information more widely, for instance in the staff room.

2.3. Other types of Data not covered by the act.

This is data that does not identify a living individual and therefore is not covered by the remit of the DPA this may fall under other access to information procedures. This would include Lesson Plans (where no individual pupil is named), Teaching Resources, and other information about the school which does not relate to an individual. Some of this data would be available publically (for instance the diary for the forthcoming year), and some of this may need to be protected by the school (If the school has written a detailed scheme of work that it wishes to sell to other schools). Schools may choose to protect some data in this category but there is no legal requirement to do so.

The ICO provide additional information on their website See http://ico.org.uk/for_organisations/data_protection/the_guide/key_definitions

3. Responsibilities

The Headteacher and Governing Body are responsible for Data Protection, they may appoint a SIRO to manage data.

3.1. Risk Management - Roles

The school's Senior Information Risk Officer (**SIRO**) is Mr Kavanagh, the Headteacher. This individual will keep up to date with current legislation and guidance and will:

- determine and take responsibility for the school's information risk policy and risk assessment
- appoint the Information Asset Owners (**IAOs**) In this school this role is combined with the SIRO.

The SIRO/IAO will manage and address risks to the information and will understand :

- what information is held, for how long and for what purpose,
- how information has been amended or added to over time, and
- who has access to protected data and why.

3.2. Risk management - Staff and Governors Responsibilities

- All staff , trainees and volunteers (everyone) in the school has the responsibility of handling personal information in a safe and secure manner.
- Governors are required to comply fully with this policy in the event that they have access to personal data, when engaged in their role as a Governor.

3.3. Risk Assessments (Optional)

- The school will complete risk assessments for all data held. An example of a risk assessment is shown in Appendix 5

3.4. Proactive Marking (Optional)

- The school will adapt a system of proactive marking for highly sensitive data (appendix 4)

4. Legal Requirements

4.1. Registration

The school must be registered as a Data Controller on the Data Protection Register held by the Information Commissioner and each school is responsible for their own registration): http://ico.org.uk/for_organisations/data_protection/registration

4.2. Information for Data Subjects (Parents, Staff)

In order to comply with the fair processing requirements of the DPA, the school will inform parents / carers of all pupils / students and staff of the data they collect, process and hold on the pupils / students, the purposes for which the data is held and the third parties (e.g. LA, DfE, etc.) to whom it may be passed. This privacy notice will be passed to parents / carers through a letter. More information about the suggested wording of privacy notices can be found on the DfE website:

<http://www.education.gov.uk/researchandstatistics/datatdatam/a0064374/pn>

See Appendix 2

We share information about you with Whinfield Education who provide our school business management service in order but not restricted to

- enable development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring.

5. Transporting, Storing and Deleting personal Data

- The policy and processes of the school will comply with the guidance issued by the ICO [here](#)

5.1. Information security - Storage and Access to Data

5.1.1. Technical Requirements

- The school will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them. Access to protected data will be controlled according to the role of the user. Members of staff will not, as a matter of course, be granted access to the whole management information system.
- Personal data may only be accessed on machines that are securely password protected. Any device that can be used to access data must be locked if left (even for very short periods) and set to auto lock if not used for five minutes.
- All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.
- Personal data can only be stored on school equipment (this includes computers and portable storage media (where allowed)). Private equipment (ie owned by the users) must not be used for the storage of personal data.
- The school has a clear policy and procedures for the automatic backing up, accessing and restoring all data held on school systems, including off-site backups through their service level agreement with Durham County Council's ICTSS.

5.1.2. Portable Devices

When personal data is stored on any portable computer system, USB stick or any other removable media:

- the data must be encrypted and password protected,
- the device must be password protected (many memory sticks / cards and other mobile devices cannot be password protected),
- the data must be securely deleted from the device, in line with school policy (below) once it has been transferred or its use is complete.

5.1.3. Passwords

- All users will use strong passwords which must be changed regularly. User passwords must never be shared. It is advisable NOT to record complete passwords, but prompts could be recorded.

5.1.4. Images

- Images of pupils will not be stored off site
- Images must not be shared without permission from the Headteacher
- Images will not be taken or stored on staff personal devices/mobile phones
- Images will be protected and stored in a secure area.

5.1.5. Cloud Based Storage

- The school has clear policy and procedures for the use of “Cloud Based Storage Systems” (for example dropbox, google apps and google docs) and is aware that data held in remote and cloud storage is still required to be protected in line with the Data Protection Act. The school will ensure that it is satisfied with controls put in place by remote / cloud based data services providers to protect the data.
http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Data_Protection/Practical_application/cloud_computing_guidance_for_organisations.ashx

5.2. Third Party data transfers

- As a Data Controller, the school is responsible for the security of any data passed to a “third party”. Data Protection clauses will be included in all contracts where data is likely to be passed to a third party.
http://ico.org.uk/for_organisations/data_protection/topic_guides/data_sharing

5.3. Retention of Data

- The guidance given by the Information and Records Management Society – [Schools records management toolkit](#) will be used to determine how long data is retained.
- Personal data that is no longer required will be destroyed and this process will be recorded.

5.4. Systems to protect data

5.4.1. Paper Based Systems

- All paper based HIGHLY SENSITIVE material must be held in lockable storage, whether on or off site.
- Paper based personal information sent to parents will be checked before the envelope is sealed

5.4.2. School Websites

- Uploads to the school website will be checked prior to publication ensure that personal data will not be accidentally disclosed and that images uploaded only show pupils where prior permission has been obtained

5.4.3. E-mail

E-mail cannot be regarded on its own as a secure means of transferring personal data.

- E-mails containing sensitive information will be encrypted by attaching the sensitive information as a word document and encrypting the document with a password or compressing with zip and encrypting. The recipient will then need to contact the school for access to a one-off password

Data Breach – Procedures

On occasion, personal data may be lost, stolen or compromised. The data breach includes both electronic media and paper records, and it can also mean inappropriate access to information.

- In the event of a data breach the SIRO will inform the Chair of Governors
- The school will follow the procedures set out in Appendix 7

8. Policy Review Reviewing:

This policy will be reviewed, and updated if necessary every two years.

Appendix 1 Links to resources and guidance

ICO Guidance for schools

http://ico.org.uk/for_organisations/sector_guides/~//media/documents/library/Data_Protection/Research_and_reports/report_dp_guidance_for_schools.ashx

A downloadable guide for schools

Specific information for schools is available here

http://ico.org.uk/for_organisations/sector_guides/education

Specific information about use of Cloud Based technology

http://ico.org.uk/for_organisations/data_protection/topic_guides/online/cloud_computing

Specific Information about CCTV

http://ico.org.uk/for_organisations/data_protection/topic_guides/cctv

Information and Records Management Society – Schools records management toolkit

<http://www.irms.org.uk/resources/information-guides/199-rm-toolkit-for-school>

A downloadable schedule for all records management in schools

Disclosure and Barring Service (DBS)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/143669/handling-dbs-cert.pdf Details of storage and access to DBS certificate information.

DFE Privacy Notices

<https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices>

DFE Use of Biometric Data

<https://www.gov.uk/government/publications/protection-of-biometric-information-of-children-in-schools>

Appendix 2 Privacy Notices

These are now a separate attachment

Appendix 3 Glossary

Data Protection Act 1998: All personal data which is held must be processed and retained in accordance with the eight principles of the Act and with the rights of the individual. Personal data must not be kept longer than is necessary (this may be affected by the requirements of other Acts in relation to financial data or personal data disclosed to Government departments). Retention of personal data must take account of the Act, and personal data must be disposed of as confidential waste. Covers both personal data relating to employees and to members of the public.

ICO The Information Commissioner's office. This is a government body that regulates the Data Protection Act.

The ICO website is here <http://ico.org.uk/>

Data Protection Act 1998: Compliance Advice. Subject access – Right of access to education records in England: General information note from the Information Commissioner on access to education records. Includes timescale (15 days) and photocopy costs.

Data Protection Act 1998: Compliance Advice. Disclosure of examination results by schools to the media: General information note from the Information Commissioner on publication of examination results.

Education Act 1996: Section 509 covers retention of home to school transport appeal papers. (By LA)

Education (Pupil Information) (England) Regulations 2005: Retention of Pupil records

Health and Safety at Work Act 1974 & Health and Safety at Work Act 1972: Retention requirements for a range of health and safety documentation including accident books, H&S manuals etc.

School Standards and Framework Act 1998: Retention of school admission and exclusion appeal papers and other pupil records.

Appendix 4 Impact Levels and Marking

Schools may wish to proactively mark data in order to protect it more carefully.

The Government now uses 5 levels of proactive marking. Unless otherwise specified data falls into the "Official" category. All data in schools will be either Public, Official or Official Sensitive.

Type of Data	Marking
<p>Public This would include any information not containing any personal data, or information in the public domain. This includes :-</p> <ul style="list-style-type: none"> • <i>Lesson Plans and Teaching resources</i> • <i>Public Documents such as policies etc.</i> 	<p>Broom Cottages Primary and Nursery School</p>
<p>Official This category should be used for all personal data, which is not defined as sensitive eg. Contact Details of Parents, Assessment information etc.</p>	<p>Broom Cottages Primary and Nursery School</p>
<p>Official – Sensitive This category would include any data deemed to be " Sensitive Personal Data" and access to this should only be on a "Need to Know" basis. Additional security measures may be needed for data in this category.</p>	<p>Broom Cottages Primary and Nursery School Highly Sensitive</p>

Appendix 5 Risk Assessments

Information risk assessments will be carried out by Information Asset Owners to establish the security measures already in place and whether they are the most appropriate and cost effective.

The risk assessment will involve:

- Recognising the risks that are present;
- Judging the level of the risks (both the likelihood and consequences); and
- Prioritising the risks.

Risk assessments are an ongoing process and should result in the completion of an Information Risk Actions Form (example below):

<i>Risk ID</i>	<i>Information Asset affected</i>	<i>Information Asset Owner</i>	<i>Protective Marking (Impact Level)</i>	<i>Likelihood</i>	<i>Overall risk level (low, medium, high)</i>	<i>Action(s) to minimise risk</i>
1	<i>SIMS Data on Pupils</i>	<i>Headteacher</i>	<i>Official</i>	<i>Low</i>	<i>Low</i>	<ul style="list-style-type: none"> • <i>Ensure Backups Complete</i> • <i>Ensure Data cleansing completed annually</i> • <i>Check password compliance</i>
2	<i>Safeguarding Information on Individual Pupils</i>	<i>Named Safeguarding Person</i>	<i>Official Sensitive</i>	<i>Low</i>	<i>Medium</i>	<ul style="list-style-type: none"> • <i>Ensure data passed to agencies is encrypted (e-mail)</i> • <i>Electronic information stored in a folder with limited, named access</i> • <i>Paper based information kept locked in...</i>
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Appendix 6 Check Sheet

Schools may find it beneficial to use this to check their systems for handling data.

- Training for staff on Data Protection, and how to comply with requirements
- Data Protection Policy in place
- All portable devices containing personal data are encrypted
- Passwords – Staff use complex passwords
- Passwords – Not shared between staff
- Privacy notice sent to parents
- Privacy notice given to staff
- Images stored securely
- School registered with the ICO as a data controller
- Member of staff with overall responsibility for data identified (SIRO)
- Risk assessments complete
- Systems in place to ensure that data is retained securely for the required amount of time
- Process in place to allow for subject access requests.
- If school has CCTV appropriate policies are in place to cover use, storage and deletion of the data, and appropriate signage is displayed
- Paper based documents secure
- Electronic backup of data both working and secure
- Systems in place to help reduce the risk of a data breach *e.g. personal data sent out checked before the envelope sealed, uploads to websites checked etc*