

Ridgeway Infant School is a safe happy, place where everyone does their best!

DATA PROTECTION POLICY AND FREEDOM OF INFORMATION POLICY



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Signature of Chair of FGB:

Review Due: SPRING 2020

Responsibility of the Full Governing Body

This document is a statement of the aims and principles of Ridgeway Infant School for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

Introduction

Ridgeway Infant School needs to keep certain information about its employees, pupils and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Ridgeway Infant School must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the 1998 Act) and the Freedom of Information Act 2000 (in force from 1st January 2005). Policies and guidance documents to be used in conjunction with this policy are listed at Appendix A.

In summary these state that:

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes 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 this Act.
7. 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.
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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Ridgeway Infant School and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the school has developed this Data Protection Policy.

Status of this Policy

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the School from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller

The School as a corporate body is the Data Controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controller will deal with day to day matters. The school Designated Data Controller is the Headteacher. Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the Designated Data Controller.

Responsibilities of Staff

- Checking that any information that they provide to the school in connection with their employment is accurate and up to date.
- Informing the school of any changes to information that they have provided, for example change of address, either at the time of appointment or subsequently. The school cannot be held responsible for any errors unless the staff member has informed the school of such changes.
- If and when, as part of their responsibilities, staff collect information about other people, for example about a pupil's learning, opinions about ability, references to other academic institutions, or details of personal circumstances, they must comply with the guidelines for staff set out in the School's Data Protection Policy.

Data Security

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.
- Personal information should:
 - Be kept in a locked filing cabinet, drawer, or safe; or
 - If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up;
- Staff must only use encrypted USB flash drives (memory sticks) issued by school. Personal memory sticks must not be used.
- Confidential data must not be stored on removable media, such as USB flash drives (memory sticks) or portable hard disk drives
- The exchange of personal data electronically must only be done through the secure e-mail exchange (Egress).

Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the school holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the school is doing to comply with its obligations under the 1998 Act.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should contact the school by letter.

Under the Freedom of Information Act (2005), all schools which have received a written or e-mailed request for information which they hold or publish are required to respond within 20 working days.

If the information is published by another organisation (for example, Ofsted reports, DCSF leaflets) the school can direct the enquirer to the organisation which supplied the information or publication unless it is legal and possible to provide the information direct (for example, a copy of the summary of an Ofsted report, spare copies of a DCSF leaflet).

It will not be legal to photocopy a publication in its entirety and supply this to an enquirer unless the school owns the copyright – this is particularly important where the original publication was a charged item.

The school will keep the original request and note against this who dealt with the request and when the information was provided.

Any complaint about the provision of information will be handled by the Head Teacher or another senior member of staff. All complaints should be in writing and documented. The Publication Scheme will include information on who to contact for both enquiries and complaints.

All enquirers should be advised that they may complain to the information Commissioner if they are unhappy with the way their request has been handled.

Separate from the Data Protection Act, The Education (Pupil Information)(England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of their child's educational record at school. Parents who wish to exercise this right must do so in writing. For educational records (unlike other personal data;) access must be provided within 15 school days and if copies are requested, these must be supplied within 15 school days of payment.

If in fulfilling your request we incur additional charges (for example large amounts of photocopying or postage), these may be passed on to the enquirer who will be advised of the charges beforehand.

Anyone has a right to question and correct inaccurate information, but this must be matters of fact, not opinions.

A privacy notice is issued to all new parents prior to their child starting school. See Appendix B.

Subject Consent

In many cases, the school can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the school processing some specified classes of personal data is a condition of acceptance of employment for staff. This included information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The school has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The school has a duty of care to all staff and pupils and must therefore make sure that employees and those who use school facilities do not pose a threat or danger to other users.

The school may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The school will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the school is a safe place for everyone, or to operate other

school policies, such as the Management of Sickness Absence Policy or the Equal Opportunities Policy.

Because this information is considered **sensitive** under the 1998 Act, staff (and pupils where appropriate) will be asked to give their express consent for the School to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Retention of Data

The School has a duty to retain some staff and pupil personal data for a specified period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references. Different categories of data will be retained for different periods of time as specified in Appendix C.

Publication Schemes

Under the Freedom of Information Act 2000, all schools should have a publication scheme (a formal list of types of non-personal information school produces and holds which is accessible to staff, pupils and parents and other enquirers. The model scheme supplied by the Information Commissioner's Office has been adopted. See Appendix D.

The named person with overall responsibility for published information in school is the Headteacher.

Reviewing

This guide and policy will be reviewed, and updated if necessary every two years. The Freedom of Information publication scheme should be reviewed regularly, with staff checking if they add a new piece of recorded information to the school's portfolio that this is covered within the scheme.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the School. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

Updated January 2017

Appendix A

Policies and guidance documents which reference Data Protection

Education Child Protection Service 'Guidance to Schools on Keeping and Auditing Child

Protection Records' September 2010

Home school agreement

ICT Acceptable Use Policy

ICT Policy delete

E-Safety Policy delete

Add – Internet and E-Safety Policy

Looked After Children Policy

Publication scheme (Freedom of Information Act)

Safeguarding Policy

Staff Induction Policy

Whistleblowing policy and procedure

PRIVACY NOTICE

Pupils in Schools, Alternative Provision and Pupil Referral Units and children in Early Years Settings

Privacy Notice - Data Protection Act 1998

We at Ridgeway Infant School are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information ¹ and personal characteristics such as your ethnic group, special educational needs and any relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some of your information to the Local Authority and the Department for Education (DfE)

If you want to see a copy of the information we hold and share about you then please contact the School Business Manager.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

- <http://www.derby.gov.uk/ChildrenSchoolsFamilies/ResourcesSupport/SchoolBusiness/IMS/>
- <http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/>
- <http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/thirdpartyorgs/>

If you are unable to access these websites, please contact the LA or DfE as follows:

¹ Attendance is not collected for pupils under 5 at Early Years Settings or Maintained Schools
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- Data Protection Manager, Room 213, P O Box 6291, The Council House, Derby DE1 2FS
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Website: www.education.gov.uk

email: info@education.gsi.gov.uk

Telephone: 0870 000 2288

Appendix C

Retention of Documents on Personnel Files

This schedule lists the principal documents held on an employee's file. The list is not, however, exhaustive and other documents relating to employment may be held. Personnel files will be held for the length of employment + 7 years at which time they will be shredded. Documents relating to child protection may be held indefinitely. In this case the employee will be advised that this is the case. All of the documents held on the employee's file are held for the purpose of managing the employment relationship.

Document	Period of Retention
Original job application form	Termination + 7years
Two original references	Termination + 7years
Copy of Contract of employment and any variation letters	Termination + 7years
Original contract acceptance	Termination + 7years
Confirmation of pre-employment medical check clearance	Termination + 7years
Confirmation of DBS clearance	Indefinitely
Barred list clearance	Indefinitely
Copies of documents used for identity authentication for DBS and Asylum and Immigration Act purposes	Termination + 7years
Copies of qualifications certificates relevant to employment	Termination + 7years
Formal disciplinary warnings – child protection related	Indefinitely
Formal disciplinary warnings – not child protection related	In accordance with the school's policy
Staff Induction including NQTs Induction	Termination + 7years
UK Border Agency Documentation (Work permit)	Termination + 7 years
Letter of resignation and acceptance of resignation or other documentation relating to the termination of employment.	Termination + 7 years
Exit interview notes	Termination + 7 years
Salary assessment forms - teachers	Current year + 6 years
Time sheets	Current year + 6 years
Appraisal information	Current year + 6 years
NQT – Satisfactory completion of skills tests.	Termination + 7years
Medical certificates and sickness absence record	Current year + 6 years
Other special leave of absence including parental leave, maternity leave	Current year + 6 years
Records relating to accident/injury at work	Termination + 7 years In the case of serious accidents a further retention period will need to be applied

Appendix D

Information Commissioner's Office

Model publication scheme

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.