



## **Mereside CE Primary SCHOOL**

### **DATA PROTECTION POLICY**

**Renewal Date: March 2018**

**Reviewed and Approved 16<sup>th</sup> March 2017**

*“The Governors of Mereside CE Primary School are committed to safeguarding and promoting the welfare of children and young people at every opportunity and expect all staff, volunteers and visitors to share this commitment”*

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## **Data Protection Policy**

### **Introduction**

The Data Protection Act 1998 (the 'DPA') aims to promote high standards in the handling of personal information protecting individuals rights to privacy. The DPA applies to anyone holding information about living individuals in electronic format and in some cases on paper. As the school is a holder of personal records they must also follow this act. This document is a statement of the aims and principles of the School, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

Mereside CE Primary School needs to keep certain information about its employees, students 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, Mereside CE Primary School must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 ( the 1998 Act). In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

Mereside CE Primary 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 and the Designated Data Controllers**

The School as a body corporate is the Data Controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

The School has one Designated Data Controller: 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 appropriate Designated Data Controller, who would be:

The Headteacher

### **Staff Responsibility**

Although the governors hold ultimate responsibility the day to day management of data in accordance with the act is everyone's responsibility. All staff must ensure that they abide by the principles listed above in

handling personal data. If you are unsure about the action you are taking with regard to personal data you must check with the Headteacher to ensure you are complying with the DPA.

Some of the questions you can ask yourself to ensure that the action you are taking will comply with the DPA are:

- Do I really need this information about an individual? Do I know what I'm going to use it for?
- Do the people whose information I hold know that I've got it and are they likely to understand what it will be used for? Would any of them be surprised at what I'm doing with their personal information?
- If I'm asked to pass personal information on am I sure it's okay to do so under the DPA? (check with your Headteacher if unsure)
- Am I satisfied that the personal information I hold is secure be it on the computer or paper based?
- Is the personal data held accurate and up to date?
- Do I delete/destroy personal information (securely) as soon as I have no need for it?
- Is access to personal information limited only to those with a strict need to know? Who will have access to this information if I place it on computer file or hold on a paper record?

Ensure that any personal data that you hold is only shared with other members of school staff or authorities who are entitled to have access to this data. If you have any queries or concerns you must raise them with the Headteacher immediately.

All staff are also responsible for ensuring that:

- 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.

Any member of staff found to mishandle data or share personal data with unauthorised individuals will be subject to investigation under the School's Disciplinary Policy. Deliberate, malicious or reckless breaking of the DPA will be counted as gross misconduct and could result in dismissal. Under this Act you can also be criminally liable if you knowingly or recklessly disclose personal information in breach of the policy.

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; and
- If a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

As an individual you also have a responsibility to ensure that the details held about you are accurate and kept up to date for example ensuring that the school is notified if you move house.

### **What are main principals of good information handling?**

Personal information must be:

- Fairly and lawfully processed;
- Processed for specified purposes;
- Adequate relevant and not excessive;
- Accurate, and where necessary, kept up to date;
- Not kept for longer than is necessary;
- Processed in line with the rights of the individual;
- Kept Secure;
- Not transferred to countries outside the European Economic Area unless there is adequate protection for the information.

### **Who is covered by the Act?**

The DPA covers staff, pupils, parents and any other individuals for which the school holds personal details.

## **Individual Rights**

All individuals (including staff) have a right under the DPA to ask for a copy of the information held about them on computer and in some manual filing systems.

Requests for access to personal data should be referred to the Headteacher who will deal with it promptly and within a maximum of 40 days from receiving the request. A small charge to cover photocopying, secure postage etc can be made at the discretion of the Headteacher,

The School will only monitor individual staff when there are concerns about the individual's use of e-mail, internet, telephone or other data that the member of staff may be using inappropriately. If monitoring is used for training purposes the individual will be made aware of this at the time.

## **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 students 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 Sick Pay 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 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 or academic transcripts.

Different categories of data will be retained for different periods of time.

## **External Services/ Providers**

The School will also ensure that any service providers used that will handle personal data for example HR, Payroll comply with the DPA.

## **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

If there are any queries concerning this policy or you require further assistance or training please contact the Headteacher.