

Data Protection Policy



This policy is for Lockington CE VC School

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Approved By:	Governing Body

Contents

1. Introduction
2. Data Protection Act 1998
3. Sensitive Personal Data
4. Other Legislation
5. Staff Responsibilities
6. Right to Access Information
7. Written Requests
8. Retention of Data

1. Introduction:

The school needs to keep certain information about employees, pupils and other school visitors to allow it to monitor performance, achievements and health and safety. Personal information is any information that relates to a living individual that can be identified from the information, it also applies to any data held visually in photographs, videos or sound recordings.

Privacy Notice - Data Protection Act 1998

Lockington Primary School are a 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 the school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information.

We collect a large amount of personal data every year, including; staff records, names and addresses of parents/carers, attendance registers and disciplinary records for pupils and staff.

2. Data Protection Act 1998:

This act is the primary source for the school's statutory obligations in respect of data protection. It requires that we act within the principles set down in Schedule 1 of the act, these are:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
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.

Any personal data that is processed is done so within the conditions set out by Schedule 2 DPA 1998 and the following conditions must be met:

- The subject of the data has given consent to the processing
- It is necessary, either for the performance of a contract to which the data subject is a party or for taking steps at the request of the data subject, with a view to entering into the contract.
- The processing is necessary for compliance with a legal obligation.
- The processing is necessary to protect the vital interests of the data subject.

3. Sensitive Personal Information:

The DPA 1998 defines sensitive personal data as personal data consisting of information as to someone's:

- Racial or ethnic origin
- Political opinion
- Religious beliefs
- Whether he/she is a member of a trade union
- Physical or mental health conditions
- Sexual life
- The commission/alleged commission of any offence

Explicit consent is required before these details can be shared or passed to others, this may be to provide a particular service.

Any sensitive personal data that is processed is done so within the conditions set out by Schedule 3 DPA 1998, this includes:

- The data subject has given explicit consent to the processing of personal data.
- The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.

4. This policy complies with:

Freedom of Information Act 2000

5. Staff Responsibilities:

In accordance with the principles of the DPA 1998, the school will manage and process personal data properly, protect the individual's right to privacy and provide an individual with access to all data

held about them, where it is requested. The school has been named as the Data Controller under the Act.

All staff are responsible for:

- Handling all personal data, this may be pupil attendance data, telephone numbers of parents/carers on permission slips and pupil attainment data.
- Checking that employment data is up to date and accurate.
- Informing the school of any change in circumstances. The school is not responsible for any error unless the staff member has informed us of the changes.

6. Right to Access Information:

An individual is entitled to be informed of any data, of which they are the subject, which is being processed. The school is not obliged to provide any information unless they have received a written request, it is then that the school will give a description of the data which they have, including:

- Personal data of which the individual is the subject of.
- The purposes for which they are being processed.
- The recipients to who they may be disclosed to.
- Any information available about the source of the data.

This must be communicated to them in an intelligible form.

Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, he is not obliged to comply with the request unless:

- The other individual has consented to the disclosure of the information to the person making the request, or
- It is reasonable in all the circumstances to comply with the request without the consent of the other individual.

In determining for the purposes of subsection (4)(b) whether it is reasonable in all the circumstances to comply with the request without the consent of the other individual concerned, regard shall be had, in particular, to—

- (Any duty of confidentiality owed to the other individual,
- Any steps taken by the data controller with a view to seeking the consent of the other individual,
- Whether the other individual is capable of giving consent, and
- Any express refusal of consent by the other individual.

7. Written Requests:

Requests for information must be made in writing; which includes email, and be addressed to the head-teacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

Please note that this list is not exhaustive.

Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request.

The school may make a charge for the provision of information, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the head-teacher.

The response time for subject access requests, once officially received, is 40 days (not working or school days but calendar days, irrespective of school holiday periods). However the 40 days will not commence until after receipt of fees or clarification of information sought.

8. Retention of Data:

One of the principles in the DPA 1998 is that the data should be kept for no longer than necessary, it is up to the school as the data controller to decide how long data is retained for. Statistical data and other information may be kept about pupils after they leave the school, this may include SAT's results and behaviour records. Information retained about staff may include how long they were employed at the school, what classes they taught throughout their employment and any disciplinary records, where appropriate.

Where records have been identified for destruction they should be disposed of in an appropriate way. All records containing personal information, or sensitive policy information should be shredded before disposal (if possible). Any other records should be bundled up and disposed of to a waste paper merchant or disposed of in other appropriate ways.

The Freedom of Information Act 2000 requires the school to maintain a list of records which have been destroyed and who authorised their destruction. Members of staff should record at least:

- File reference (or other unique identifier);
- File title (or brief description);

- No of files
- The name of the authorising officer

This could be kept in an Excel spreadsheet or other database format.

Signed

Headteacher		February 2017
Chair of Governors		February 2017