



Wessex  
Learning Trust

*We Learn Together!*

# Data Protection Policy

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Wessex Learning Trust. Registered in England. Company Number 7348580.

### 1. Rationale

The Wessex Learning Trust is committed to a policy of protecting the rights and privacy of individuals, including students, staff and others, in accordance with the Data Protection Act (DPA) 1988.

The Wessex Learning Trust needs to process certain information about its staff, students and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- The recruitment and payment of staff
- The administration of programmes of study
- The recording of a students' progress
- Agreeing awards
- Collecting fees
- Complying with legal obligations to funding bodies and Government

To comply with various legal obligations, including the obligations imposed on it by the DPA, the Wessex Learning Trust and the academies within the Trust must ensure that all information about individuals is collected and used fairly, stored safely and securely, and is not disclosed to any third party unlawfully.

The Trust is registered as a Data Controller with the Information Commissioner's Office (ICO) and as such keeps the ICO informed of:

- The purpose for which the Trust and academies holds personal data
- What data it holds
- The source of the data
- To who the data is disclosed
- To which countries the data may be transferred

### 2. Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the DPA and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines. Any breach of this policy, or of the Act itself will be considered an offence and the Academy's disciplinary procedures may be invoked.

### 3. What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

### 4. Data Protection Principles

The legislation places a responsibility on every data controller to process any personal data in accordance with eight principles. The Trust undertakes to:

- **Process personal data fairly and lawfully**

The Trust will make all reasonable efforts to ensure that individuals who are the focus of the personal data are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept and any other information which may be relevant.

- **Process the data for a specific and lawful purpose**

The Trust will ensure that the reason for which it collected the data is the only reason for which it processes the data unless the individual is informed of any additional processing before it takes place.

- **Ensure that the data is adequate, relevant and not excessive**

The Trust will not seek to collect personal data which is not strictly necessary for the purpose for which it is obtained.

- **Keep personal data accurate and where necessary, up to date**

The Trust will review and update data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that it is accurate and each individual should notify the Academy if, for example, a change in circumstances mean that the data needs to be updated.

- **Only keep personal data as long as is necessary**

The Trust undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation and any other statutory requirements. This means that the Trust will undertake a regular review of the information held and implement a weeding process when for example a member of staff leaves the Trust. The Trust will dispose of any personal data in a way that protects the rights and privacy of the individual concerned e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste.

- **Process personal data in accordance with the rights of the data subject under the legislation**

Individuals have various rights under the legislation including:

- A right to be told the nature of the information the Trust holds and any parties to whom this may be disclosed.
- A right to prevent processing likely to cause damage or distress.
- A right to prevent processing for marketing purposes.
- A right to be informed about the mechanics of any automated decision making process.
- A right to sue for compensation if they suffer damage by any contravention of the legislation.
- A right to take action to rectify, block, erase or destroy inaccurate data.
- A right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

The Academy will only process personal data in accordance with individual's rights.

- **Data shall be secured by means of an appropriate degree of security**

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties unless they have been informed of the intended processing and have signified their agreement. Consent cannot be inferred from the non-response to a communication.

The Trust will ensure that all personal data is accessible to only those who have a valid reason for using it.

The Trust will have in place appropriate security measures e.g.

- Ensuring that hard copy personal data is kept in a lockable filing cabinet within a locked filing storeroom
- Keys held securely by an appropriate individual
- Password protecting personal data held electronically

In addition, the Trust will put in place appropriate measures for the deletion of personal data. Manual records will be shredded or disposed of as confidential waste. Hard drives of redundant PC's will be wiped clean before disposal.

This policy also applies to staff and students who process personal data 'off site' e.g. when working from home. In such circumstances, additional care must be taken regarding the security of the data.

- **Ensure personal data is not transferred to a country or a territory outside the European Union unless that country or territory ensure adequate level of data protection**

The Academy will not transfer data to such territories without the explicit consent of the individual.

## 5. Compliance

As a matter of best practice, other agencies and individuals working with the Trust and who have access to personal information will be expected to read and comply with this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

## 6. Subject Access Rights (SAR)

Individuals have a right to access any personal data relating to them which is held by the Trust and/or an Academy within the Trust. Any individual wishing to exercise this right should apply in writing to their Headteacher. Any member of staff receiving a SAR should forward this to their Headteacher.

Any individual has the right of access to information held about them. However, with children this is dependent upon their capacity to understand (normally aged 12 or above) and the nature of the request. When a SAR is made by a student or a parent of a student within the Trust, the academy will discuss with the student and take their views into account when making a decision. A student with competency to understand can refuse to consent to the release of their data. Where the student is not deemed to be competent, an individual with parental or guardian responsibility shall make the decision on behalf of the student.

Under the terms of the legislation, any such requests must be complied within 40 days (not working or school days but calendar days irrespective of school holidays). However, the 40 days' timeframe will not commence until after receipt of fees or clarification of the information sought.

## 7. Charges

The Trust or academy reserves the right to charge a fee for data released under a SAR. The charge is dependent on:

- Should the information requested contain the educational record then the amount charged will be dependent on the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records, a charge of up to £10 can be applied.

- If the information requested is only the viewing of an educational record, no charge will be made. If the record is printed, a charge for copying the record can be made.

## **8. Complaints**

If you wish to make a complaint please see the Trust's Complaint policy. If you are not satisfied with the assistance that you receive, or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This organisation ensures compliance with the FOIA and deals with formal complaints. They can be contacted at:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## **9. Review**

The policy will be reviewed by the Wessex Learning Trust Board every two years or earlier in the light of operating experience and or changes in legislation or further issued guidance from the Department for Education.

Approved by the Wessex Learning Trust Board: 18 May 2017  
Review date: May 2019