

Data Protection – a model policy for schools

THIS DOCUMENT SHOULD BE AMENDED AND APPROVED BY
THE GOVERNING BODY.

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 eg 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 Edward Jackson
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 a small school these roles may be combined*

3.2. Risk management - Staff and Governors Responsibilities

- 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

- The school will complete risk assessments for all data held each time the policy is reviewed. *An example of a risk assessment is shown in Appendix 6*

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 (eg LA, DfE, etc) to whom it may be passed. This privacy notice will be passed to parents / carers through a letter.

5. Transporting, Storing and Deleting personal Data

The policy and processes of the school will comply with the guidance issued by the ICO.

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 / academy has clear policy and procedures for the automatic backing up, accessing and restoring all data held on school systems, including off-site backups.

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.
- data leaving the school must be by use of encrypted hard drive of use of the D.L.G.

5.1.3. Passwords

- All users will use strong password which users must never share.

5.1.4. Images

- Images will be saved and stored on the schools secure network.
- Images of pupils are only to leave the school when stored on an encrypted device or via the D.L.G.
- Images will be protected and stored in a secure area.

5.1.5. Cloud Based Storage

- No personal data is to be stored on any cloud based server without written permission being given by the Head Teacher. The Head Teacher will have first ensured the cloud based server complies fully with EU Law on data sharing.

5.2. Third Party data transfers

- As a Data Controller, the school / academy 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

- Personal data that is no longer required will be destroyed and this process will be recorded.
- See record management toolkit for detail on when and what data should be kept/destroyed.

5.4. Systems to protect data

5.4.1. Paper Based Systems

- All paper based OFFICIAL or OFFICIAL – SENSITIVE (or higher) material must be held in lockable storage, whether on or off site.
- Paper based personal information sent to parents will be checked by another member of staff applicable to see the data, 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. 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.

Date:

Review:

Signed:

Chair of Governors

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

The templates below are taken from the DFE website at <http://www.education.gov.uk/researchandstatistics/datatdatam/a0064374/pn>

Schools need to check if a more up-to-date copy is available from the DFE

ADDITIONAL WORDING AND LA LINKS

LA

The link to the LA website is

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=8535>

The contact (in the first instance who will re-direct) is

Margaret Hanratty

Educational Development Service

Co Hall

Durham

DH1 5UJ

Margaret.hanratty@durham.gov.uk

Early Years – Use of cloud based storage

Insert

In addition for Foundation Stage pupils

The storage and processing of information and evidence about pupils attainment across the Foundation stage has now changed. This information is now captured electronically and stored with an external provider (Data Processor). Please inform (insert name of school administrator) if you wish to opt out of this arrangement.

CCTV

Insert

The school has installed CCTV equipment for the purpose of XXX. Queries regarding this should be addressed to XXX.

PRIVACY NOTICE TEMPLATE

for

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

(This is suggested text which can be amended to suit local needs and circumstances)

Privacy Notice - Data Protection Act 1998

We (**Name of school / academy / establishment**) 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 your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

In addition for Foundation Stage pupils

The storage and processing of information and evidence about pupils attainment across the Foundation stage has now changed. This information is now captured electronically and stored with an external provider (Data Processor). Please inform (insert name of school administrator) if you wish to opt out of this arrangement.

In addition for Secondary and Middle deemed Secondary Schools

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide both your and your parent's/s' name(s) and address, and any further information relevant to the support services' role. However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, address and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please inform (*Insert name of School Administrator*) if you wish to opt-out of this arrangement. For more information

¹ Attendance information is not collected as part of the Censuses for the Department for Education for the following pupils / children - those aged under 4 years in Maintained schools and those in Alternative Provision and Early Years Settings. This footnote can be removed where Local Authorities collect such attendance information for their own specific purposes.

about young peoples' services, please go to the Directgov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm or the LA website shown above.

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 information about you to the Local Authority and the Department for Education (DfE)

(For Academy use only) We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use(s) of the Local Authority.

If you want to see a copy of the information about you that we hold and/or share, please contact **(Insert name of School Administrator)**.

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:

[Insert LA website link]² and

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- **[insert details and link to appropriate contact at the LA]**
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

² Local Authority to provide a link to their website with information on uses they make of data and any other organisations they share data with. Ideally they should also provide an address where parents without internet access can write for information.

PRIVACY NOTICE

School Workforce: those employed or otherwise engaged to work at a school or the Local Authority

Privacy Notice - Data Protection Act 1998

We [**Name of the school or Local Authority as appropriate**] are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school / Local Authority [**Select which is appropriate**] about those employed or otherwise engaged to work at the school or Local Authority. This is to assist in the smooth running of the school and/or enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of school workforce data across the sector;
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- Informing the development of recruitment and retention policies;
- Allowing better financial modeling and planning;
- Enabling ethnicity and disability monitoring; and
- Supporting the work of the School Teachers' Review Body.

This personal data includes some or all of the following - identifiers such as name and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

We will not give information about you to anyone outside the school or Local Authority (LA) without your consent unless the law and our rules allow us to.

We are required by law to pass on some of this data to:

- the LA [**Delete if not appropriate**]
- the Department for Education (DfE)

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

- [**Insert LA³**] and
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

- [**Insert details and link to appropriate contact at the LA**]
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Website: <https://www.gov.uk/government/organisations/department-for-education>

³ Local authority to provide link to their website with information on uses they make of data and any other organisations they share data with.

Email: info@education.gsi.gov.uk

Telephone: 0370 000 2288.

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><i>Schools could mark this as either “Public Domain” or “Not Protectively marked”</i></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><i>Schools should mark this as “Official” Some schools will treat anything unmarked as in this category</i></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><i>Schools MUST mark this as “OFFICIAL – SENSITIVE”</i></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>	<i>Ensure Backups Complete Ensure Data cleansing completed annually 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>	<i>Ensure data passed to agencies is encrypted (e-mail) Electronic information stored in a folder with limited, named access Paper based information kept locked in...</i>
3						

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*