

# TEACH Data Protection Policy



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## Contents

- 1. Aims ..... 1
- 2. Legislation and guidance ..... 2
- 3. Definitions ..... 2
- 4. The data controller..... 3
- 5. Data protection principles ..... 3
- 6. Roles and responsibilities ..... 3
- 7. Privacy/fair processing notice ..... 3
- 8. Subject access requests..... 4
- 9. Parental requests to see the educational record ..... 5
- 10. Storage of records ..... 5
- 11. Disposal of records ..... 5
- 12. Training ..... 6
- 13. The General Data Protection Regulation ..... 6
- 14. Monitoring arrangements..... 6
- 15. Links with other policies..... 6

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## 1. Aims

Our Trust aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998 and the new requirements of the General Data Protection Regulation from May 2018.

This policy applies to all data, regardless of whether it is in paper or electronic format.

## 2. Legislation and guidance

This policy meets the requirements of the Data Protection Act 1998, and is based on guidance published by the Information Commissioner’s Office and model privacy notices published by the Department for Education.

It also takes into account the expected provisions of the General Data Protection Regulation, which is new legislation due to come into force in May 2018.

In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child’s educational record.

This policy complies with our Funding Agreement and Articles of association.

### 3. Definitions

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: Contact details Racial or ethnic origin Political opinions Religious beliefs, or beliefs of a similar nature Where a person is a member of a trade union Physical and mental health Sexual orientation Whether a person has committed, or is alleged to have committed, an offence Criminal convictions
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller
<b>Data Protection Officer</b>	An adviser to the Trust Will monitor compliance with Data Protection law Ensure school policies on data protection are followed Provide training/raise awareness Conduct audits

## 4. The data controller

Our Trust processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. The Trust is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

## 5. Data protection principles

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

Data shall be processed fairly and lawfully

Personal data shall be obtained only for one or more specified and lawful purposes

Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed

Personal data shall be accurate and, where necessary, kept up to date

Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed

Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998

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

Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

## 6. Roles and responsibilities

The Trust Board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rests with the Executive Headteacher/CEO, or the Head of School in the Exec. Headteacher's absence. The Exec. Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## 7. Privacy/fair processing notice

### 7.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

Contact details

Results of internal assessment and externally set tests

Data on pupil characteristics, such as ethnic group or special educational needs

Exclusion information

Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

## 7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work within our Trust. The purpose of processing this data is to assist in the running of the school/Trust, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact Kate Carter, Executive Headteacher/CEO.

## 8. Subject access requests

Under the Data Protection Act 1998, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

The pupil's name

A correspondence address

A contact number and email address

Details about the information requested

The school will not reveal the following information in response to subject access requests:

Information that might cause serious harm to the physical or mental health of the pupil or another individual

Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests

Information contained in adoption and parental order records

Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply.

If a subject access request **does not** relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply in this instance is £10.00.

## 9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils within our Trust may be granted without the express permission of the pupil.

If parents ask for copies of information, they will be required to pay the cost of making the copies.

## 10. Storage of records

Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information **are kept under lock and key when not in use**

Papers containing confidential personal information **should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access**

**Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office**

**Passwords** that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals

**Encryption software is used** to protect all portable devices and removable media, such as laptops and USB devices

Staff, pupils or Trustees who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment

## 11. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

## 12. Training

Our staff and Trustees are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the Trust's processes make it necessary.

## 13. The General Data Protection Regulation

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

## **14. Monitoring arrangements**

Kate Carter, CEO/Executive Head is responsible for monitoring and reviewing this policy.

The appointed Data Protection Officer checks that the school complies with this policy by, among other things, reviewing school records.

This document will be reviewed when the General Data Protection Regulation comes into force, and then **every 2 years**.

At every review, the policy will be shared with the Trust Board.

## **15. Links with other policies**

This data protection policy and privacy notice is linked to the freedom of information publication scheme