



# Pikes Lane Primary School

## Data Protection Policy November 2018

LEADING SCHOOL | LEARNING SCHOOL | INCLUSIVE SCHOOL | HEALTHY SCHOOL | EXTENDED SCHOOL | REFLECTIVE SCHOOL

**Policy Leader:** Headteacher

**Linked Governor Sub Committee:** Management Committee

**Last Updated:** November 2018

**Review Date:** September 2019

## **Pikes Lane Primary School Data Protection Policy**

Pikes Lane Primary School collects and uses personal information about staff, students, parents or carers and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all students/parents or carers, this summarises the information held on students, why it is held and the other parties to whom it may be passed on.

### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, 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.

### **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.

### **Data Protection Principles**

The Data Protection Act 1998 establishes eight enforceable 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
- 7) Subjects under the Data Protection Act 1998;
- 8) Personal data shall be kept secure i.e. protected by an appropriate degree of security;

9) 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.

### **General Statement**

The school is committed to maintaining the above principles at all times.

### **Therefore the school will:**

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

### **Complaints**

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

### **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.

The policy review will be undertaken by the Headteacher, or nominated representative.

### **Contacts**

If you have any enquires in relation to this policy, please contact Mrs J Walker, Business Manager, who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office,

[www.ico.gov.uk](http://www.ico.gov.uk)

## **Pikes Lane Primary School – Subject Access Requests**

Procedures for responding to subject access requests made under the Data Protection Act 1998

### **Rights of access to information**

There are two distinct rights of access to information held by schools about students.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Student Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

### **Actioning a subject access request**

1) Requests for information must be made in writing; which includes email, and be addressed to: **The Headteacher.**

If the initial request does not clearly identify the information required, then further enquiries will be made.

2) 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

This list is not exhaustive.

3) 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 Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4) 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 dependant 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 Headteacher.

5) 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

6) The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.

7) Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8) Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9) If there are concerns over the disclosure of information then additional advice should be sought.

10) Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11) Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12) Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method

of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Board who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure. Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner.

Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher on 01204 333633

Further advice and information can be obtained from the Information Commissioner's Office.

## **Appendix 1 Pikes Lane School – Privacy Notice for Pupils**

### **Privacy Notice (How we use pupil information)**

#### **The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Exclusion information (such as type of exclusion, date of exclusion, reason for exclusion)
- Assessment information (such as test results and teacher assessments)
- Medical information (such as information about medical conditions the school needs to take into account or allergy information and details of medical practitioners involved in the child's care, including care plans)
- Special Educational Needs information (such as EHCP's, reports of assessments carried out in school or by outside professionals and records of interventions provided by school)
- Child protection and safeguarding information

#### **Why - we collect and use pupil information-**

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to support families with health and social related issues

#### **The lawful basis on which we use this information**

We collect and use pupil information to enable us to run the school and provide education as permitted under Article 6(1) of the General Data Processing Regulation which permits processing for tasks carried out in the public interest or for our official functions and Article 9(2)(g) which permits processing of sensitive data which is necessary for reasons of substantial public interest. Under section 537A of

the Education Act 1996 we are also required to submit school census returns, including a set of named pupil records and pupil information is collected and used for this purpose.

### **Collecting pupil information**

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

### **Storing pupil data**

The length of time for which we hold pupil data varies according to the type of data. More information can be found in our School Policies section on our website at [www.pikeslaneprimaryschool.co.uk](http://www.pikeslaneprimaryschool.co.uk)

### **Who do we share pupil information with?**

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- Health and other professionals working with specific pupils
- Early Intervention
- Social Care (Referral & Assessment)

### **Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.



We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information about Individual Pupils) (England) Regulations 2013.

### **Data collection requirements:**

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### **Over-claiming hours**

In the case of over-claiming hours, we may need to share the names of the childcare settings that your child attends stating the amount of hours that are being claimed. This will only be shared with providers that your child is registered as attending.

### **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information about Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact **Mrs J Walker**, [office@pikes-lane.bolton.sch.uk](mailto:office@pikes-lane.bolton.sch.uk) or 01204 333633

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

#### **Contact:**

If you would like to discuss anything in this privacy notice, please contact:

- Mrs J Walker at [office@pikes-lane.bolton.sch.uk](mailto:office@pikes-lane.bolton.sch.uk) or 01204 333633

If you cannot access these websites, please contact the LA on:

Information Management Unit,

Department of People, Bolton Council

1<sup>st</sup> Floor, Town Hall, Bolton, BL1 1UA

website: [www.bolton.gov.uk](http://www.bolton.gov.uk) email:  
[ec.imu@bolton.gov.uk](mailto:ec.imu@bolton.gov.uk)

**Legal Basis:** The lawful bases for processing are set out in Article 6 of the GDPR

- a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.**
- b) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).**
- c) Vital interests: the processing is necessary to protect someone's life.**

**Special Category Data:** GDPR identifies that some information is particularly sensitive and therefore needs extra protection:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Health
- Sexual life or orientation
- Genetic data (e.g. blood samples DNA)
- Biometric data to identify an individual (e.g. finger-prints, iris recognition)
- Financial information

**Special Category Conditions:** Article 9 of sets out the special category conditions. If you are processing special category data you need to meet a special category condition in addition to the legal basis identified above:

- **The data subject has given explicit consent**
- Necessary to protect the vital interests where the data subject is physically or legally incapable of giving consent
- The data has been made publically available by the data subject
- Necessary for the purposes of preventative or occupational medicine, for example the assessment of the working capacity of an employee
- Required for exercising rights in the field of employment and social security or social protection
- Processing is carried out by a foundation or not-for-profit body in the course of its legitimate activities
- Necessary to process legal claims
- Necessary for archiving statistical or historical research which is in the public interest
- Necessary for reasons of substantial public interest on the basis of UK law which shall be proportionate to the aim pursued

**Data relating to criminal convictions or offences:** Under GDPR information relating to criminal convictions (includes all DBS checks even if they show no convictions/offences) can only be processed process if you are doing so in an official capacity or have specific legal authorisation to do so.

*(Please note that Section 3 of the Data Protection Bill sets out specific data protection principles to be considered when processing personal data for law enforcement purposes. Therefore you may need to refresh your Privacy Notices at such time as the Bill is passed and becomes UK Law)*

## **Appendix 2 Pikes Lane School Workforce Privacy Notice**

**The school workforce: those employed to teach, or otherwise engaged to work at, a school or a local authority**

**The categories of school workforce information that we collect, process, hold and share include:**

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- photographic records
- relevant medical information

### **Why we collect and use this information**

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid
- facilitate safer recruitment
- support effective performance management
- allow better financial modelling and planning

### **The lawful basis on which we process this information**

We process this information under the data protection act 1998, and according to guidance published by the Information Commissioners Office and the Department of Education.

Under Article 6 of the GDPR which comes into effect on 25<sup>th</sup> may 2018, the lawful basis for processing school workforce information is to fulfil contractual obligations and other legitimate interests.

For data collection purposes (Departmental Censuses) provisions of the Education Act 1996 will be followed.

## **Collecting this information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## **Storing this information**

The length of time for which we hold school workforce information varies according to the type of data. More information can be found in our School Policies section on our website at [www.pikeslaneprimaryschool.co.uk](http://www.pikeslaneprimaryschool.co.uk)

## **Who we share this information with**

We routinely share this information with:

- our local authority
- the Department for Education (DfE)

## **Why we share school workforce information**

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

### **Local authority**

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### **Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### **Data collection requirements**

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all

special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

### **Requesting access to your personal data**

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact: Jennifer Walker, Pikes Lane Primary School, 01204 333633.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### Further information

If you would like to discuss anything in this privacy notice, please contact:

Jennifer Walker, Business Manager, Pikes Lane Primary School, 01204 333633

If you cannot access the websites referred to above, please contact the LA on:

- Information Management Unit,  
Department of People, Bolton Council  
1<sup>st</sup> Floor, Town Hall, Bolton, BL1 1UA  
website: [www.bolton.gov.uk](http://www.bolton.gov.uk)  
email: [ec.imu@bolton.gov.uk](mailto:ec.imu@bolton.gov.uk)

**Legal Basis:** The lawful bases for processing are set out in Article 6 of the GDPR.

Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

- a) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.**
- b) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).**
- c) Vital interests: the processing is necessary to protect someone's life.
- d) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.**



- e) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

**Special Category Data:** GDPR identifies that some information is particularly sensitive and therefore needs extra protection:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership Health
- Sexual life or orientation
- Genetic data (e.g. blood samples DNA)
- Biometric data to identify an individual (e.g. finger-prints, iris recognition)
- Financial information

**Special Category Conditions:** Article 9 of sets out the special category conditions.

- The data subject has given explicit consent
- Necessary to protect the vital interests where the data subject is physically or legally incapable of giving consent
- The data has been made publically available by the data subject
- Necessary for the purposes of preventative or occupational medicine, for example the assessment of the working capacity of an employee
- **Required for exercising rights in the field of employment and social security or social protection**
- Processing is carried out by a foundation or not-for-profit body in the course of its legitimate activities
- Necessary to process legal claims
- Necessary for archiving statistical or historical research which is in the public interest
- Necessary for reasons of substantial public interest on the basis of UK law which shall be proportionate to the aim pursued

**Data relating to criminal convictions or offences:** Under GDPR information relating to criminal convictions (includes all DBS checks even if they show no convictions/offences) can only be processed process if you are doing so in an official capacity or have specific legal authorisation to do so.

*(Please note that Section 3 of the Data Protection Bill sets out specific data protection principles to be considered when processing personal data for law enforcement purposes. Therefore you may need to refresh your Privacy Notices at such time as the Bill is passed and becomes UK law)*

