

**Broad Oak
Primary
School**



DATA PROTECTION POLICY

Attitude

Behaviour

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Determination

Enthusiasm

Friendship

Resilience

Broad Oak Primary School

Data Protection Policy

Data Protection Policy

Broad Oak Primary School collects and uses personal information about staff, pupils, 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/children or carers, this summarises the information held on pupils, 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;

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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

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their record will be updated as soon as is practicable.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate (challenged). We shall try to resolve the issue informally but if this is not possible, any disputes will be referred to the Governing Body for their deliberation.

If the problem is not resolved at this stage independent arbitration may be sought by either side. Until resolved, the challenged marker will remain and all disclosures of the affected information will contain both versions of the information. In order to prevent such problem areas we shall provide data subjects with opportunities to check their data accuracy and request amendments.

Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive to the purpose for which the data is held. In order to ensure compliance with this principle, the School Secretary will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the School Secretary, with appropriate guidance, to ensure obsolete data are properly erased.

Authorised Disclosures

In general, the School will only disclose data about individuals with their consent. However, there are circumstances under which it is necessary for the school's authorised officer(s) to disclose the data without express consent of the data subject.

These circumstances are limited to:

- Pupil data disclosed to authorised recipients in respect of education and administration necessary for the school to perform its legitimate duties and obligations.
- Pupil data disclosed to authorised recipients in respect of a pupil's health, safety and welfare.
- Data contained within a Pupil's educational record will be disclosed to the child's parents if requested in accordance with Educational (Pupil Information) (England) Regulations 2005.
- Staff data disclosed to the relevant authority in respect of payroll and school's staff administration
- Other disclosures as may prove unavoidable, for example where an incidental disclosure occurs when an engineer is fixing the computer systems. In such cases, the engineer will sign a document to undertake NOT to disclose such data outside the school. Local Authority IT Liaison/Support Officers are professionally bound not to disclose such data. Only authorised and properly instructed staff are permitted to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare workers must be made available only if the staff member needs to know the information for their work within the school.

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 2 years. The policy review will be undertaken by the Governing Body or Headteacher.

Contacts

If you have any enquires in relation to this policy, please contact the headteacher at admin@broad oak.manchester.sch.uk 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 or telephone 01625 545745

Information Commissioner's Office

Wycliffe House Water Lane
Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Fax: 01625 524 510

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Appendix 1

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 pupils.

1. The pupil's right of subject access under the DPA; and
2. The parent's right of access to their child's 'educational record' (in England, Wales and Northern Ireland this right of access is only relevant to maintained schools – not independent schools, English academies or free schools).

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 from parents to The Governing Body and from pupils to the school. 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) Broad Oak will make a charge for the provision of information, dependent upon the following:

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- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided. For example, 1 to 19 pages will cost £1.20; 29 pages will cost £2, and so on, up to a maximum of 500+ pages which will cost £50.

If the request is for other information excluding the educational record then the maximum charge is £10.

- 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 15 school days. However, the 15 school days will not commence until after receipt of fees or clarification of any information sought such as evidence of identity.
 - 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.
 - 8) Any information which may cause serious harm to the physical or mental health or emotional condition of a pupil 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.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact Mr. K Corteen, Headteacher.

School Data Protection Policy adopted by the Governing Body

July 17th 2014

School Data Protection Policy to be reviewed every two years

School Photography & Data Protection Policy review date

Summer 2018

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