

Data Protection Policy

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| Draft Policy to Staff: | May 2018 | Agreed by Governors: | May 2018 |
| Draft Policy to Governors: | May 2018 | Review Date: | May 2019 |

Rationale

The Governing Body is required to have a policy for managing and controlling data in school. The School collects and uses personal information about staff, pupils, parents 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), These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on. This notice is issued to parents of all new year 7 students each September and to all new students as part of the induction process. An overview of the data protection policy forms part of all new staff induction.

Aims

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. Security and confidentiality forms part of all new staff induction.

Impact of the Policy

Director of Operations will report termly to the governors' behavior and safety committee. The report will include any requests made under the data protection act and any complaints made to the school regarding data management. Governors will review this policy every two years.

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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 should be kept up to date and be accurate
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

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

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- 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

Staff members will:

- Ensure that any information they provide to the school in connection with their employment or information regarding a registered pupil is accurate and up to date.
- Be aware that the school cannot be held accountable for any errors unless the employee has informed the school about such changes

Data Security

Staff members of South Shields School will ensure that personal data is secured in accordance with the provisions of the Data Protection Act by:

- Keeping important and confidential data in a locked filing cabinet, drawer or safe
- Not removing any confidential correspondence from the school site
- Ensure that no pictures of students are held on individual staff phones
- Ensuring that computerised data is held secure and mobile devices are encrypted or password protected.
- Where data is saved on removable storage device, the device must be encrypted.
- Laptops which hold confidential data must be encrypted.
- Staff should not store pictures of students on their own mobile phones

South Shields School takes its duties under the Data Protection Act seriously and any unauthorised disclosure may result in disciplinary action.

Contacts

If you have any enquires in relation to this policy, please contact the Director Operations 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 3

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Complaints

Complaints about the above procedures should be made, following the schools complaints policy, available on the school website or by contacting the Chair of the Governing Body 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.

Appendix 1

South Shields School

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.

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

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

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Actioning a subject access request

- Requests for information must be made in writing; which includes email, and be addressed to Andrea Beckett, Director of Operations. If the initial request does not clearly identify the information required, then further enquiries will be made.
- 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.

- Individuals have the right to request access to information held about them. However with children, this is dependent upon their capacity to understand (normally individuals should be age 12 or above) and the nature of the request. If a request is made to access information by a child under 12, The Headteacher will discuss the request with the child and take their views into account when making a decision whether or not the child should have access without support from a parent or carer. A child with competency to understand can refuse to consent to the request for their records to be accessed by a parent or carer. 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.
- 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 dependent 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.
 - 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

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- The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
- 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.
- Any information which may cause serious harm to the physical or mental health or emotional condition of the 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.
- If there are concerns over the disclosure of information then additional advice should be sought.
- 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.
- 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.
- 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.

Additional Information for Students and Parents

If you are 13 or over, we are required by law to pass on certain information to the provider 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 the address of you and your parents (and your date of birth) and any further information relevant to the support services' role.

However, until you are aged 16 or older, your parent(s) can ask that no information beyond your name, address and date of birth (and their name and address) be passed on to the youth services provider. This right transfers to you on your 16th birthday. Please inform the school if this is what you or your parents wish.

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

Appendix 2

Fair Processing Notice (formally Privacy Notice) - Data Protection Act 1998

South Shields School is 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 information 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.

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)

If you want to see a copy of the information about you that we hold and/or share, please contact Andrea.Beckett at the School. There will be a minimum cost of £10.00 for request for a hard copy of such information. This cost is to cover the photocopy charges.

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:

www.southtyneside.gov.uk and

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>

<http://www.education.gov.uk/researchandstatistics/childrenandyoungpeople/a0064391/who-the-department-passes-pupil-data-to>

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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:

South Tyneside Council on 0191 4271717
Town Hall and Civic Offices
South Shields
Tyne & Wear
www.southtyneside.gov.uk

Or Dfe
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

Supporting School Documents:

- Data Sharing Policy
- Complaints Policy
- Staff Handbook