



The Quercus Federation

Data Protection Policy

Northiam Church of England Primary School

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This policy is due for review on Sep 2021

Signed (Chair of Governors)

Signed (Headteacher)

Date:



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Data Protection Policy

This document is a statement of the aims and principles of Northiam CE Primary School for ensuring the confidentiality of sensitive information relating to staff, pupils, parents, carers and governors.

Introduction

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

Purpose and Scope

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.

This policy applies to all employees, governors, contractors and temporary staff working for the Federation.

Responsibilities

The governors have overall responsibility for compliance with the Data Protection Act 1998.

The Head of School is responsible for ensuring compliance with the Data Protection Act 1998 and this policy within the day-to-day activities of the Northiam CE primary School. The Head of School is responsible for ensuring that appropriate training is provided for all staff.

All members of staff, or contractors who hold or collect personal data, are responsible for their own compliance with the Data Protection Act 1998 and must ensure that personal information is kept and processed in line with the Act.

Non-compliance with the requirements of the Data Protection Act 1998 by a member of staff could lead to serious action being taken by third parties against the Federation and is therefore considered a disciplinary matter.

What is Personal Information?

Personal information or data is defined as data that relates to a living individual who can be identified from that data, or other information held. It covers both facts and opinions about the individual, but need not be sensitive information. It can be as little as a name and address. Such data can be part of a computer record or manual record.

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 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.

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, it is done 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 (e.g. manual or electronic);
- 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.

Privacy Notices

Whenever information is collected about individuals they must be made aware of the following:

- The identity of the data controller, e.g. the school within the Federation
- The purpose that the information is being collected for;
- Any other purposes that it may be used for;

Who the information will or may be shared with; and

- How to contact the data controller.

The individual concerned must be made aware of the above as soon as information starts to be gathered about him/her.

Please see Appendix One for the Schools Privacy Notice.

Notification



The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification on an annual basis. The Information Commissioner maintains a public register of data controllers, in which schools within the Federation are registered.

Provision of Data

It is a criminal offence to knowingly or recklessly obtain or disclose information about an individual without legitimate cause. Relevant, confidential data should only be given to individuals as specified by the Head of School.

The individual's right to access their personal information (Subject Access Request) Any person whose details are held by the Federation is entitled under the Data Protection Act 1998 to ask for a copy of all information held about them (or child for whom they are responsible). When a request is received it must be dealt with promptly; a response must be provided as soon as possible and within 40 calendar days.

The school may make a charge of up to £10.00 for responding to a subject access request and additional photocopying charges will apply for access to a pupil's educational record. When providing the information the school must also provide a description of why the information is processed, details of anyone it may be disclosed to and the source of the data.

Please see Appendix Two for the Subject Access Request Procedure.

Inaccurate Data

If an individual complains that the personal data held about them or a child for whom they are responsible is wrong, incomplete or inaccurate, this should be investigated thoroughly, including checking with the source of the information.

In the meantime a caution should be marked on the data that there is a question mark over its accuracy.

Photographs

Whether or not a photograph comes under the Data Protection Act 1998 is a matter of interpretation and quality of the photograph. However, the school takes the matter extremely seriously and seeks to obtain parents' permission for the use of photographs outside the school and in particular, to record their wishes if they do not want photographs to be taken of their children.

Data Storage/Disposal

The school will keep data for a period of 5 years from the date a pupil leaves a school within the Federation. After this time period, data is shredded and destroyed. In addition, the school will archive data using Local Authority facilities in line with Local Authority requirements and procedures.

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 Head of School and the Governing Body's Policies Working Party.

Contacts



If you have any enquires in relation to this policy, please contact the Head of School 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.org.uk or telephone 0303 123 1113.



Appendix One

Northiam CE Primary School Privacy Notice

Northiam CE Primary School process personal information about their pupils and the school is a 'data controller' for the purposes of the Data Protection Act 1998. We collect information from you and may receive information about your child from their previous school.

We hold and use your child's information to support their teaching and learning, monitor and report on their progress, provide them with pastoral care and to assess how well the schools within the Federation are doing.

The information we hold includes you and your child's contact details, national curriculum assessment results, attendance information*, ethnic group, special educational needs and any relevant medical information.

We will not give information about you to anyone outside the school without your permission unless the law and our policies permit it. We are required by law to pass some of your information to East Sussex County Council and to the Department for Education.

YOU CAN ASK TO SEE THE INFORMATION WE HOLD ABOUT YOU

If you wish to see a copy of the information we hold and share about you or your child then please contact the Head of School in writing

East Sussex County Council

If you need to know more about how East Sussex County Council stores and uses your information please see their website: www.eastsussex.gov.uk/dataprotection.

If you are unable to access this website, please contact:

Information Governance Officer, Children's Services, East Sussex County Council, County Hall, St Anne's Crescent, Lewes, BN7 1UE. Telephone Number: 01273 335645, email: CS.DPA@eastsussex.gov.uk or website: www.eastsussex.gov.uk

Department for Education

If you need to know more about how the Department for Education stores and uses your information please see their website:

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc> If you are unable to access these websites, the Department for Education can send you a copy of this information. Please contact:

Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. Telephone Number: 0870 000 2288 or websites:

<http://www.education.gov.uk/help/contactus> / www.education.gov.uk

Appendix Two



Procedures for responding to Subject Access Requests made under the Data Protection Act 1998 or Education (Pupil Information) (England) Regulations 2005

Rights of access to information:

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

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. Under the Education (Pupil Information) (England) Regulations 2005, a parent or legal guardian has the right to access their child's educational record.

Timescales for dealing with requests:

If a parent/legal guardian makes a request for information that contains, wholly or in part, an educational record, the Federation must respond within 15 school working days.

If a parent/legal guardian makes a subject access request just for personal information outside the educational record, the Federation must respond promptly and at most within 40 calendar days.

Withholding information:

The Federation can withhold information if providing the information:

- is likely to cause harm to the physical or mental health of the pupil or another person;
- would reveal a child is at risk of abuse;
- would reveal information about adoption or parental orders;
- would reveal information about third parties.

A subject access request

1. Requests for information must be made in writing, which includes email, to the Head of School and be addressed to your School within the Federation. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requester 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 Certificates
- 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 Head of School 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 would 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 a charge of up to £10.00 can be made.
 - If the information requested is on only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Head of School.
5. The response time for subject access requests, once officially received, commences at point of 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 Federation/School. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the statutory timescales.
8. If there are concerns over the disclosure of information then additional advice should be sought.
9. 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.
10. 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.
11. 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 information should be sent via registered/recorded mail.

Complaints

Complaints about the above procedure should be made to 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.

The Information Commissioner can deal with complaints that are not appropriate to be dealt with through the school's Complaint Procedure. Contact details of both will be provided with the disclosure information.