



## Whitgreave Primary School Data Protection Policy

### **Introduction**

Whitgreave Primary School has a commitment to protect personal data, alongside ensuring data is collected and used in a fair lawful manner.

Whitgreave Primary School collects and uses personal data regarding staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable the school to provide excellence in education and other associated functions.

Personal data is any information that relates to a living individual who can be identified from the information. It also applies to personal data held in photographs or video clips (including CCTV) or as sound recordings.

### **Purpose**

This policy is intended to ensure that personal data is maintained accurately, kept up to date and secure in accordance with the Data Protection Act 1998, and other related legislation.

Only data that is relevant to the purposes stated by the schools will be processed.

It will apply to all personal data regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

### **Scope**

The Data Protection policy applies to all individuals involved with the collection, processing and disclosure of personal data. All employees of the Federation (including Governors) working with personal data have a responsibility to ensure that they have sufficient awareness of the DPA so that they are able to comply with the requirements of the DPA.

Staff who have questions regarding this policy or require more detailed guidance are advised to contact the Headteacher.

### **Data Controller**

Whitgreave Primary School, as a Data Controller, is registered with the Information Commissioner's Office (ICO) detailing the information held and its use. The school issue a Privacy Notice to all pupils/parents, which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on to. The Privacy Notices are published on the school website in line with statutory guidance.

Information Governance refers to and encompasses the policies, procedures, processes and controls implemented to manage information. These support the school's immediate and future regulatory, legal, risk and operational requirements.

In case of any queries or questions in relation to this Policy and data being held, please contact the school Data Protection representative, who is the Head Teacher, Mrs S Redfern.

### **Data Protection Act 1998**

The Data Protection Act 1998 establishes eight enforceable principles that the Whitgreave Primary School fully endorses and adheres to at all times:

1. Personal data shall be obtained and processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and should not be processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes 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 1998 Data Protection Act.
7. 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.
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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **Policy**

Whitgreave Primary 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.

It is the responsibility of all employees of Whitgreave Primary School to take care when processing personal data (collecting, managing, storing, sharing, transferring and destroying) to ensure it cannot be accessed by anyone who does not:

- have appropriate permission, or explicit consent to access that data
- need to have access to that data as a result of a statutory requirement (ie safeguarding procedures)

Any loss or misuse of personal data can have serious effects for both individuals with personal liability and / or institutions concerned, as it can bring the school into disrepute.

Whitgreave Primary School will regard any unlawful breach of any provision of the DPA by any individual, as a serious matter which may result in disciplinary action. Any employee who breaches this policy will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct. A serious of the breach could also lead to criminal prosecution.

All data protection incidents must be reported immediately to the Headteacher.

#### **Secure storage of and access to data**

Whitgreave Primary School policy is that:

- Personal data is only accessible on school devices which have secure access
- Access is controlled; users will only be granted a given level of access data dependant on his/her role

The nominated 'Lead for Data Protection' at school will ensure that data protection procedures are appropriate and adequate.

Deliberate unauthorised access to, copying, disclosure, destruction or alteration of or interference with any computer equipment or data is strictly forbidden and may constitute a criminal and/or a disciplinary offence.

It is an offence under Section 55(1) of the Data Protection Act, for any person to knowingly or recklessly obtain, procure or disclose personal data, without the permission of the data controller subject to certain exceptions.

It is also an offence for someone to sell or offer to sell personal data which has been obtained in contravention of Section 55(1). Full details of this offence can be found under Section 55 of the Data Protection Act 1998.

#### **Secure transfer of data and access out of School**

Whitgreave Primary School recognise that personal data may be accessed by users out of school, or transferred to the DfE, Local Authority or other multi-agency organisations. In these circumstances:

- Users may not remove or copy RESTRICTED or personal data from the school or authorised premises without permission from the Headteacher and unless the media is encrypted and password protected and is transported securely for storage in a secure location
- Users must take particular care that computers or removable devices which contain personal data must not be accessed by other users (eg family members) in or out of school
- When sensitive or personal data is required by an authorised user from outside the school's premises (for example, by a member of staff to work from their home), they must use the secure solutions provided to them by the school
- The School will ensure that all portable and mobile devices, including media, used to store and transmit personal information will be installed with approved encryption software

Any loss or inappropriate disclosure of personal data must be reported immediately to the Headteacher, failure to do so will constitute misconduct and may result in disciplinary measures.

#### **Returning of ICT equipment**

The Headteacher, in conjunction with the ICT Lead will maintain an inventory and will audit all school ICT equipment such as desktop and laptop computers and all portable devices.

Members of staff who are leaving the employment of the school must return all personally-issued ICT equipment to the Headteacher.

#### **Subject access and the disclosure of education records**

There are two distinct rights of access to personal data held by schools:

- Under the Data Protection Act 1998 any individual has the right to make a request to access the personal data held about them.
- The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (England) Regulations 2005 (Pupil Information Regulations).

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

1. Requests must be made in writing; 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 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 a fee to provide it (minimum £10 up to a maximum £50).
  - 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 will be sought. A response will still be made within the 40 day statutory timescale, but may not include third party information where consent has not been provided.
  
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another will not be disclosed, or any information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. 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.
10. 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.

Whitgreave Primary School will also keep curricular and educational records for each pupil. The schools will disclose these records to parents and pupils, report at least annually to all parents on their child's progress and attainment and transfer pupil information and educational records as a pupil changes school.

### **Information Sharing**

Information sharing is a key element of safeguarding children and young people. Whitgreave Primary School will explain to students and their families what and how information will or could be shared, with whom and why, and also seek additional consent as required.

It is the responsibility of teachers to ensure appropriate information is shared effectively, appropriately, legally and professionally. Personal data must only be shared with other professionals, relevant support staff or other teachers for genuine purposes.

Whilst parents have a right to expect that personal information they share with the school will be regarded as confidential, there are certain circumstances when information can be shared without parents' consent, such as when;

- there is evidence that the child is suffering, or is at risk of suffering, significant harm
- there is reasonable cause to believe that a child may be suffering, or at risk of suffering significant harm
- failing to do so would put a pupil at increased risk of significant harm; or
- it would undermine the prevention, detection or prosecution of a serious crime

### **Retention of Data**

The school will comply with the requirements for the safe destruction and disposal of personal data when it is no longer required. No documents will be stored for longer than is necessary; this is to adhere to any legal, regulatory or specific business justification. The school will publish a Schedule of Retention to indicate the length of time records containing personal data will be kept for.

### **Monitoring and Reviewing**

A general review of the policy and compliance with legislation will take place every 2 years. Changes to the policy will be made where necessary

Mrs G Butters  
Assistant Headteacher  
September 2018

# WHITGREAVE PRIMARY SCHOOL

## DATA PROTECTION POLICY



**Mrs Butters - Assistant Headteacher**