

# Long Furlong Primary School

## Data Protection Policy

Long Furlong Primary School collects and uses personal information about staff, pupils, parents/carers and other individuals who come into contact with the school. This information is gathered in order to allow it to monitor performance, achievements, and health and safety. It is also necessary to hold information so that staff can be recruited and paid, CPD organised and legal obligations to funding bodies and government complied with. In addition, there may be a 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. At Long Furlong, the Headteacher is the designated Data Controller. Schools also have a duty to issue a Privacy Notice to all parents/carers and staff; this summarises the information held, why it is held, the other parties to whom it may be passed on and to whom complaints can be made if necessary

### **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 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
- 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

### **Responsibilities of Staff**

All staff are responsible for:

- Checking that any information that they provide to the School in connection with their employment is accurate and up to date.
- Informing the Local Authority (as the employer), via self-service in the IBC, of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently.

The Local Authority cannot be held responsible for any errors unless the staff member has informed the Local Authority of such changes.

If and when, as part of their responsibilities, staff collect information about other people (e.g. about a pupil's work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out in the school's Confidentiality Policy.

### **Data Security**

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.

- Personal information is not disclosed either orally or in writing, via online presence or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and

### **Rights to Access Information**

All staff, parents/carers and other users are entitled to:

- Know what information the School holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the School is doing to comply with its obligations under the 1998 Act.

The school will, upon request, provide all staff and parents/carers and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the school holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the *Subject Access Request* Form and submit it to the Designated Data Controller.

The school will make a charge of £10 on each occasion that access is requested, although the school has discretion to waive this.

The school aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

### **Subject Consent**

In many cases, the school can only process personal data with the consent of the individual.

In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the school processing some specified classes of personal data is a condition of acceptance of employment for staff. This included information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The school has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable to work with children.

The school has a duty of care to all staff and students and must therefore make sure that employees and those who use school facilities do not pose a threat or danger to other users.

The school may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The school will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

### **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the school is a safe place for everyone, or to operate other school policies, such as the Managing Sickness Absence policy or the Equal Opportunities policy.

Because this information is considered **sensitive** under the 1998 Act, staff (and pupils where appropriate) will be asked to give their express consent for the school to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

### **Publication of School Information**

Certain items of information relating to school staff will be made available via searchable directories on the public website, in order to meet the legitimate needs of researchers, visitors, and enquirers seeking to make contact with the school.

### **Retention of Data**

The School has a duty to retain some staff and pupil personal data for a period of time following their departure from the school, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts.

Different categories of data will be retained for different periods of time.

Compliance with the 1998 Act is the responsibility of all members of the school. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution

### **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 Headteacher, or nominated representative.

# **Long Furlong Primary 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.

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 Pupil 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, dependant 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 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.

### **Complaints**

Complaints about the above procedures 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.

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.