

Rhodes Avenue Primary School

Data Protection Policy
Autumn 2016



RHODES AVENUE
PRIMARY SCHOOL

Data Protection Policy

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Context

In the course of its public service duty Rhodes Avenue Primary School (hereafter referred to as the school) collects and uses personal information about staff, pupils, parents and other individuals who it comes into contact with. 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.

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 made aware of their duties and responsibilities within 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 alone, or from data and other information held by the School, or likely to be held by it in future. This includes personal data held visually in photographs, video and/or sound recordings.

Data Protection Principles

Everyone responsible for using data has to follow strict rules. *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;

* (<http://www.legislation.gov.uk/ukpga/1998/29/contents>)

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.

There is stronger legal protection for more sensitive information, such as:

- ethnic background;
- political opinions;
- religious beliefs;
- health;
- sexual health;
- criminal records

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 (see Appendix);
- Ensure our staff are aware of and understand our policies and procedures.

Enquiries

Information about the School's Data Protection Policy can be obtained from the School's Business Manager (Tracy Graham) who is the person nominated to deal with Data Protection issues at the School. The Data Protection Registration entries for the School are available for inspection, by appointment, at the school.

General information about the Data Protection Act 1998 can be obtained from the Information Commissioner's Office (ICO): www.ico.org.uk

Complaints

Any complaints about the application or operation of this Policy will be dealt with in accordance with the School's Complaints Policy which can be downloaded from the school's website or hard copies can be collected from the school office.

Equalities

Rhodes Avenue will ensure that it complies with its duties under the *Equality Act 2010* and have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the above mentioned Act.

Links with other policies and documents

- Safeguarding
- Keeping Children Safe in Education (2016)
- SEN/D
- Freedom of Information Publication Scheme
- Acceptable Use [ICT] Agreement for Staff
- Communications
- Safe Use of Images Policy
- Photographic Consent Form

Procedures for policy monitoring and dissemination

This policy will be reviewed according to the Governing Body's schedule of policies. All members of staff and Governors will receive a copy of this policy. A copy will be available to download from the school's website and a hard copy will be available from the school office.

Persons Responsible

Head Teacher
Deputy Head
Co-Vice Chair
The Communications Committee

Subject Access Request

These are the School's procedures for responding to subject access requests made under the *Data Protection Act* (1998).

Rights of access to information

These procedures relate solely to *Subject Access Requests* pursuant to the *Data Protection Act* (1998).

Parents/Carers have the right to see their child's educational record within 15 school days of receipt of their written request under *the Education (Pupil Information) Regulations* (2005)*. They are entitled to receive a copy of the record on payment of a fee covering the reasonable costs of preparing it (depending on the numbers of pages it contains and assessed in accordance with guidance by the ICO). This entitlement excludes information which could not lawfully be provided to the pupil under the *Data Protection Act* 1998.

Actioning a Subject Access Request

1. Requests for information must be made in writing (including by email) on the form which follows, and be addressed to the School's Business Manager. The information requested must be clearly identified; where this is not done, the School may need to ask for further clarification, which can cause delays.
2. The School reserves the right to carry out further checks to establish the identity of the person making the request, and their relationship to the subject of the data (if different to them). Evidence of identity may be requested, including, but not limited to, the following types of document:
 - passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
 - Credit Card or Mortgage statement
3. Any individual has the right of access to information held about them. However with children, this is dependent upon both their capacity to understand the nature of the request (with presumed capacity being at age 12 and above) and the nature of the request. Where appropriate, the Headteacher will discuss the request with the child and take their views into account when making a decision on competence and how best to proceed.
4. The school may make a charge for the provision of information, dependant upon the following:
 - If the information requested is limited to the information contained within the pupil's educational record, the costs will be assessed by reference to the number of pages, in accordance with guidance produced by the ICO;
 - For information which goes beyond the pupil's educational record, the School could charge for a *Subject Access Request* (SAR), the standard fee is £10;

* (http://www.legislation.gov.uk/uksi/2005/1437/pdfs/uksi_20051437_en.pdf)

- Once the School has received a *Subject Access Request* which complies with the requirements set out in this Policy it will respond within 40 calendar days (save where the information sought is limited to the pupil's educational record, in which case the time frame is as previously set out);

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. Where the request includes information provided by a third party, the School will normally need to seek that party's consent before disclosure is made. The 40 day overall timescale will still apply;

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another will not be disclosed, nor will information which would reveal that the child is at risk of abuse, nor information relating to court proceedings;

9. It may be necessary, in certain cases, to redact (blank out/remove) certain pieces of information or words which are not legally disclosable;

10. The School will seek so far as possible, to clarify any codes or technical terms contained within the information, to ensure that it is clear. The School will also seek to ensure that the information provided is legible;

11. Instead of being sent out by post, 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, if preferred. Where information is sent by post, recorded or registered delivery will be used.

Rhodes Avenue Primary School Data Protection Act (1998) Subject Access Request

<u>Enquirer</u>	
Surname:	Forename(s)
Address:	
Post code	
Mobile No.	Home/Work Tel. No.
Are you the person ("data subject") who is the subject of the records you are enquiring about? Yes [] No []	
If Yes. Provide name of child/children whose personal data records you are requiring.	
Description of Concern/Area of Concern	
Description of Information or Topic(s) requested	
Additional information	
I will collect the information from school	Yes [] No []
Do you require the school to post the information?	Yes [] No []
Address for posting (as above) Yes [] No []	
Despatch name:	
Address:	
Post Code:	

Data subject declaration

I request that the School search its records based on the information supplied in my *Subject Access Request* (above) under Section 7(1) of the *Data Protection Act 1988* and provide a description of the personal data found from the information described in the detail outlined in my *Subject Access Request* application relating to me (or my child/children) being processed by the Rhodes Avenue Primary School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address who I have authorised to receive such information)

Signature of "Data Subject" (or Subject's Parent/Carer)

Name of "Data Subject" (or Subjects Parent/Carer)

Printed name:

Date: