

Linaker Primary School & Children's Centre

DATA PROTECTION POLICY

Rationale

At our School we acknowledge that to function properly we need to collect and use certain types of information about staff, students and other individuals who come into contact with school. We are also obliged to collect and use data to fulfil our obligations to the Local Authority, Department for Children Schools and Families and other bodies. We deal with all information properly in whatever way it is collected, recorded and used – on paper, in a computer, or recorded on other material. We regard the lawful and correct treatment of personal information as very important to successful operations, and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organisation treats personal information lawfully and correctly. To this end we fully endorse and adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Data Protection Principles:

All members of staff employed in our school are required to adhere to the eight data protection principles set out in the 1998 data protection act:

1. Data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further 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 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 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.

School Practice:

Within school we will, through appropriate management, strict application of criteria and controls:

- observe fully the conditions regarding the fair collection and use of information
- meet our legal obligations to specify the purposes, for which information is used
- collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements
- ensure the quality of information used
- apply strict checks to determine the length of time information is held
- ensure that the rights of people about whom information is held, can be fully exercised under the Act. (These include: the right to be informed that processing is being undertaken, the right of access to

one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong information)

- take appropriate technical and organisational security measures to safeguard personal information
- ensure that personal information is not transferred abroad without suitable safeguards
- treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- set out clear procedures for responding to requests for information

We will also ensure that:

- there is someone with specific responsibility for Data Protection within the school
- everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice
- everyone managing and handling personal information is appropriately trained to do so
- everyone managing and handling personal information is appropriately supervised
- anybody wanting to make enquiries about handling personal information knows what to do
- queries about handling personal information are promptly and courteously dealt with
- methods of handling personal information are clearly described
- a regular review and audit is made of the way personal information is held, managed and used
- methods of handling personal information are regularly assessed and evaluated
- performance with handling personal information is regularly assessed and evaluated
- a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against the members of staff concerned
- ensure that when information is authorised for disposal it is done appropriately

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998.

References:

- Records Management Society: www.rms.gb.org.uk/resources/848
- Information Commission: www.informationcommissioner.gov.uk

Appendix to School Policy on Data Protection

The following procedures have been agreed for responding to requests for Personal Information in accordance with the Data Protection Act 1998.

Anybody who makes a request to see their file or their child's file or other personal data held on them is making a request under the Data Protection Act 1998. All information relating to the child including that held in day books, diaries and on electronic systems and email should be considered for disclosure.

There is a statutory exception to the above, where parents do have an automatic right to access defined materials under The Education (School Records) Regulations 1989. The school will observe these statutory rights.

If there is a current court order which relates to information regarding any child, that order must, regardless of other circumstances, be observed.

Dealing with a Data Protection Request

1. A request under the Data Protection Act must be made in writing.
2. In many cases a letter to the Headteacher will be sufficient to identify the information required. If you cannot identify the information required from the initial request you can go back to the applicant to ask for more information.
3. The Headteacher must be confident of the identity of the individual making the request This could be done by checking signatures against verified signatures on file or by asking the applicant to produce valid identification, such as a passport or photo-driving license. These checks should be done in addition to proof of relationship with the child.
4. An individual only has the automatic right to access information about themselves, requests from family members, carers or parents of a minor will have to be considered. The Headteacher will have responsibility for ensuring the child's welfare is appropriately considered in deciding whether to comply with a request. Normally the requester will have to prove both their relationship with the child and that disclosure is in the child's best interests to the satisfaction of the Headteacher. In the event of a child having sufficient capacity to understand (normally age 12 or above) the Headteacher should discuss the request with the child and take their views into account when making a decision. There may be circumstance in which a child can refuse their consent to a request.
5. The school may charge a statutory fee, currently calculated on a sliding scale, but only if a permanent copy of the information is provided. If a letter is sent out requesting a fee the 40-calendar day statutory timescale does not begin until the fee is received. It is important though that no request is delayed unnecessarily by time taken to inform the applicant of a fee.
6. The school will make use of exemptions under the Act as appropriate. All files must be reviewed before any disclosure takes place. Under no circumstance will access be granted immediately or before this review process has taken place.
7. Where information has been provided to the School by a third party, for example by the local authority, the police, a health care professional or another school, but is held on the school's file it is normal to seek the consent of the third party before disclosing information. This must be done early in the process in order to stay within the 40-day timescale. Even if the third party does not consent or consent is explicitly not given the data may be disclosed. In these cases it may be appropriate to seek additional advice.
8. The applicant should be told the data that the school holds, be given a copy of the data, and be told the purposes for which it is processed and whether it has been shared with any other party. It is good practice to explain whether data has been withheld and if so why. There may be circumstances where this is not appropriate; the Headteacher should at all times consider the welfare of the child. The school should also give details of who to contact in the event of a complaint and the details of the Information Commission who can provide independent information.

9. Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or parts of the data can be retyped if this is more sensible. In any event a copy of the full document (before obscuring) and the altered document should be retained together with the reason why the document was altered. This is so, that in the event of a complaint, there is an audit trail of what was done and why.
10. Information can be provided by post (registered mail) or on deposit at the school with an officer available to help the applicant. If the latter is used the applicant must have access to a photocopier in case they want a permanent copy of their data. In considering the method of delivery the views of the applicant should be taken into account. Any codes, technical terms or abbreviations should be explained. Any data which is difficult to read or illegible should be retyped.
11. Schools should monitor the number of requests received and document whether they are dealt with within the 40-calendar day statutory timescale.
12. The Act applies only to living individuals.

Complaints

Complaints about the operation of these procedures should be made to the Chairperson of the Governing Body who will decide if it is appropriate for the complaint to be dealt with under the complaints procedure. Complaints which are not dealt with under the school's complaint procedure should be forwarded in writing to the Information Commissioner. It is likely that complaints about procedural issues, due process and timeliness will be dealt with by the Governing Body, complaints that involve consideration of personal data or sensitive personal data should be referred to the Information Commissioner.

Contacts

Anyone with concerns or questions in relation to this policy should contact the Headteacher who will also act as the contact point for any requests under the Data Protection Act.