




DATA PROTECTION POLICY

Document Control Table

Title	Academy Data Protection Policy
Author	Amarjit Cheema (Trust CEO)
Date Approved	July 2017
Approved By Name	Andrew Brocklehurst (Chair of Trustees)
Signature of Approval	
Next Review Date	July 2018

Document History

Date	Author	Note of Revisions
6 th July 2017	ED/JP/AKC	Complete revision of Policy in line with recommendations from S4S.

ACADEMY DATA PROTECTION POLICY

Introduction

Perry Hall Multi-Academy Trust collects and uses personal information about staff, pupils, parents and other individuals who come into contact with schools in the Trust. 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 responsibilities.

Schools and Academy Trusts 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. Our company registration number is 08566185.

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 (DPA), 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 and adhering to the guidelines set out in this policy.

What is Personal Data?

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. This person is referred to as a "Data Subject".

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 purpose;
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.

Perry Hall Multi-Academy Trust and all staff or others who process or use personal information must ensure that they follow these principles at all times. This policy does not form part of the contract of employment for staff, but it is a condition of

employment that employees will abide by the rules and policies made by the Trust. Any failures to follow the policy can therefore result in disciplinary proceedings.

Responsibilities

The Board of Trustees have overall responsibility for compliance with the DPA.

At each school in Perry Hall Multi-Academy Trust, the Headteacher is responsible for ensuring compliance with the DPA and this policy.

All members of staff or contractors who hold or collect personal data are also responsible for their own compliance with the DPA and must ensure that personal information is kept and processed in-line with the DPA.

All staff must as a minimum check that any personal data that they provide to the Trust in connection with their employment is accurate and up to date. They must also inform the Trust of any changes their personal data that they have provided, e.g. change of address, either at the time of appointment or subsequently.

Staff should report any unauthorised disclosure, loss of personal data, or other breach of this policy immediately, in order to minimize potential damage to data subjects, or to the reputation of the school. Failure to report a data breach will be treated a disciplinary matter, and may be considered gross misconduct in some cases.

The Trust will take appropriate organisation and technical measures to ensure that any third parties who process personal data on behalf of schools in the Trust, do so in a manner that permits the Trust to uphold its statutory responsibilities in relation to data protection.

All staff will receive training on processing personal data, through our induction and as part of our staff development programme.

Fair Processing/ Sharing Personal Data

All schools in the Trust have a duty to issue a Privacy Notice to all pupils/parents and staff, this summarises the personal data we hold, why it is held and the other parties to whom it may be passed on to.

Parents/Carers will be issued with a copy of our Privacy Notice (appendix b) for pupils at the beginning of each academic year. A copy of this notice will also be available on the relevant school website.

Staff will be issued with a copy of our Privacy Notice for the school workforce on induction and a copy of this notice will also be available in the Staff Handbook.

If we need to share personal data with third parties, will not do so unless:

- We have sought consent to do so, or
- We are required to do so by law

It is a criminal offence to knowingly or recklessly obtain, or share (disclose) information about an individual without legitimate cause. Relevant, confidential data should only be given to:

- other members of staff on a need to know basis;

- relevant Parents/Guardians;
- other authorities if it is necessary in the public interest, e.g. prevention of crime;
- other bodies, such as the Local Authority and schools to which a pupil may move, where there are legitimate requirements.

The Trust will not disclose any information from a pupil's record which would be likely to cause serious harm to their physical or mental health or that of anyone else.

Where there is any doubt, or statutory requirements conflict we will seek additional advice before disclosing personal information.

When giving information to an individual, particularly by telephone, it is most important that the individual's identity is verified. So, from time to time we may need to ask parents/carers additional questions, to which only he/she is likely to know the answers. Information will not be provided to other parties, even if related. For example: in the case of divorced parents it is important that information regarding one party is not given to the other party to which he/she is not entitled.

Where we are required to share personal data with other agencies, this will be done through secure transfer mechanisms.

Any person whose details are held by a school in the Trust is entitled, under the provisions of the DPA, to ask for a copy of all information held about them (or child for which they are responsible). Please see Appendix a) for details on how our Trust deals with Subject Access Requests.

Information Security

The Trust is committed to take the necessary precautions to protect the security of personal data it is responsible for.

Access to school sites is restricted and the personal data of pupils is not visible via the public areas of school receptions.

Trust has taken appropriate security measures to protect personal data stored within school buildings from theft, damage or other unauthorised disclosure.

Inside school buildings appropriate measures have been taken to protect the security of pupil's and staff information that is stored in onsite information systems, paper records, cloud-based/online systems and in visual/audio media.

All staff must ensure that:

- personal data 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
- Be saved to the school server, school laptop/desktop or onto One Drive via a school account. Any removable storage is not permitted (this includes USB memory keys, portable hard-drives, SD cards, unencrypted laptops).

When staff are required to take personal information away from school sites, provisions have been made to support the secure transfer of information and

guidance has been issued to staff who may be required to access personal data away from school.

School IT systems have appropriate security measures in place, with permission and access to personal information controlled based on the role and responsibilities of staff.

All mobile devices (including memory sticks, portable hard-drives and other storage systems) used to manage personal data have been encrypted to an appropriate standard in line with ICO guidance.

Paper records containing sensitive or confidential data are locked in secure storage spaces, with access controlled by the Headteacher at school and nominated appropriate staff at Trust level.

All staff are committed to ensure that Personal Data held by school is maintained so that it accurate and of a quality that supports the purpose(s) it has been collected for. Parents/carers are encouraged to support their school in the task of managing personal data for pupils by advising the relevant school office of any changes to personal information in a timely manner.

CCTV

CCTV is used at some of our schools to support the prevention and detection of crime. Where CCTV is use, this is stated on the schools Privacy Notice. We also notify staff, parents and visitors to school that CCTV is use via signage displayed in key points around the site.

Only designated staff at school have access to view CCTV footage. CCTV recordings are kept for a period of time, after which the recordings are deleted/overwritten

Photographs and Digital Images (including video)

We use photographs and digital images for a variety of purposes across schools in the Trust, these include, but are not limited to:

- Capturing development and progress in learning
- School prospectuses and other publications focussed on promoting the school and Trust
- Assemblies and celebration events
- Sports day
- School performances
- Trips and residential outings

Where images of children or staff are used in public areas or made available online via publication on the school website. The school will always seek consent before images are published.

Publication of School Information

Certain items of information relating to the school will be made available on the public website, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the school. Where it is not a legal requirement, personal data will not be published without consent from the individual concerned, or unless there is a legal requirement to do so.

Retention and Disposal

The Trust operates a Retention Schedule to determine the length of time that documents containing personal data should be kept for. This schedule is in line with the recommended periods of retention published by the [Records Management Society](#).

The school will also ensure that when obsolete, information is destroyed in a secure and appropriate manner. Records of destruction will be maintained where the disposal of personal data has been commissioned to third parties.

All paper documents that contain personal data will be shredded once they are no longer required, accurate and up to date or when the retention period has been met.

Electronic devices containing personal data will be formatted and destroyed by an approved contractor with a certificate of destruction being presented for each disposal.

Complaints

Complaints will be dealt with in accordance with the Trust's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy and related policies will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Board of Trustees.

Contacts

If you have any enquires in relation to this policy, please contact the Headteacher 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.gov.uk or telephone 0303 123 1113

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) (England) Regulations 2005 (Pupil Information Regulations).

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

Processing a subject access request

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 Trust 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 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 any disclosure of personal data will not take place 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 obtained where this is required. The 40 day statutory timescale will still be adhered to.
 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 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 will be sought.
 10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.
 11. Information disclosed will be presented in a clear format, any codes or technical terms will be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it will 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 will be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail will be used.

Complaints

Complaints about the above procedures should be made to the Chair of the Board of Trustees 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.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact the MAT team at info@perryhallmat.co.uk.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113.

Perry Hall Multi Academy Trust

XXXXX School Privacy Notice

Privacy Notice - Data Protection Act 1998

Data Protection Act 1998: How we use pupil information

At XXXXXX School we collect and hold personal information relating to our pupils and may also receive information about them from their previous school, Local Authority and/or the Department for Education (DfE). We use this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services
- Prevent and detect crime (via our CCTV system)

This information will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information.

We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. We do share some pupil information with third parties who are contracted to support the school in achieving the purposes described above and where this occurs an appropriate agreement to cover data processing (how your data is used) is in place. If you want to receive a copy of the information about your son/daughter that we hold, please contact:

- {insert name/contact details of your school administrator}.

We are required, by law, to pass some information about our pupils to the Department for Education (DfE). This information will, in turn, then be made available for use by the Local Authority (Wolverhampton City Council).

DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at <https://www.wolverhampton.gov.uk/article/1937/Data-protection> or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>