



ST MARGARET'S ACADEMY DATA PROTECTION POLICY

Rationale

St Margaret's Academy is committed to a policy of protecting the rights and privacy of individuals, including pupils, staff and others, in accordance with the DPA.

St Margaret's Academy needs to process certain information about its staff, pupils and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- the recruitment and payment of staff
- the administration of programmes of study
- the recording of a student's progress
- agreeing awards
- collecting fees
- complying with legal obligations to funding bodies and government

To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 1998, St Margaret's Academy must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

Compliance

This policy applies to all staff and pupils of St Margaret's Academy. Any breach of this policy, or of the Act itself will be considered an offence and the school's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with St Margaret's Academy, and who have access to personal information, will be expected to read and comply with this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

The Code of Practice on Data Protection for Schools gives further detailed guidance and St Margaret's Academy undertakes to adopt and comply with the CoP

The Data Protection Act, 1998

This piece of legislation came into force on the 1st March 2000. The DPA regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/ manual files; electronic records; photographs; CCTV images), and may include facts or opinions about a person.

The DPA also sets out specific rights for school students in relation to educational records held within the state education system. These rights are set out in separate education regulations 'The Education (Pupil Information) (England) Regulations 2000.' For more detailed information on these Regulations see the Data Protection Code of Practice for Schools (CoP).

Responsibilities under the DPA

St Margaret's Academy will be the 'data controller' under the terms of the legislation - this means it is ultimately responsible for controlling the use and processing of the personal data.

The Head of the school is responsible for all day-to-day data protection matters, and s/he will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the school.

The Head is also responsible for ensuring that the school's notification is kept accurate. Details of the school's notification can be found on the Office of the Information Commissioner's website (<https://ico.org.uk>).

Compliance with the legislation is the personal responsibility of all members of the school who process personal information.

Individuals who provide personal data to the school are responsible for ensuring that the information is accurate and up-to-date.

Data Protection Principles

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. More detailed guidance on how to comply with these Principles can be found in the CoP. In order to comply with its obligations, St Margaret's Academy undertakes to:

1 - Process personal data fairly and lawfully

St Margaret's Academy will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

2 - Process personal data for only one or more specified and lawful purpose

St Margaret's Academy will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

3 - Ensure that the data is adequate, relevant and not excessive

St Margaret's Academy will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

4 - Keep personal data accurate and, where necessary, up to date

St Margaret's Academy will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the school if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the school to ensure that any notification regarding the change is noted and acted on.

5 - Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes

St Margaret's Academy undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means St Margaret's Academy will undertake a regular review of the information held and implement a weeding process when, eg. pupils or a member of staff leaves the school.

St Margaret's Academy will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (eg. secure electronic deletion; shredding and disposal of hard copy files as confidential waste).

6 - Process personal data in accordance with the rights of the data subject under the legislation

Individuals have various rights under the legislation including:

- a right to be told the nature of the information the school holds and any parties to whom this may be disclosed
- a right to prevent processing likely to cause damage or distress
- a right to prevent processing for purposes of direct marketing
- a right to be informed about the mechanics of any automated decision taking process that will significantly affect them
- a right not to have significant decisions that will affect them taken solely by automated process
- a right to sue for compensation if they suffer damage by any contravention of the legislation
- a right to take action to rectify, block, erase, or destroy inaccurate data
- a right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened

St Margaret's Academy will only process personal data in accordance with individuals' rights.

7 - To keep personal data secure i.e. protected by an appropriate degree of security

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

St Margaret's Academy will ensure that all personal data is accessible only to those who have a valid reason for using it.

St Margaret's Academy will have in place appropriate security measures eg.

- ensuring that hard copy personal data is kept in lockable filing cabinets/ cupboards with controlled access (with the keys then held securely in a key cabinet with controlled access)
- keeping all personal data in a lockable room with key-controlled access
- password protecting personal data held electronically
- placing any PCs or terminals, CCTV camera screens etc that show personal data so that they are not be visible except to authorised staff
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, St Margaret's Academy will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste', and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal, or, if that is not possible, destroyed physically.

This policy also applies to staff and pupils who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

8 - Ensure that no personal data is transferred to a country or a territory outside the European Economic Area unless that country or territory ensures adequate level of security

St Margaret's Academy will not transfer data to such territories without the explicit consent of the individual.

This also applies to publishing information on the Internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so St Margaret's Academy will always seek the consent of individuals before placing any personal data (including photographs) on its website.

If the school collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Ensure that all stakeholders are aware of the Data Protection Policy and Privacy Notice
- 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

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.

Contacts

If you have any enquires in relation to this policy please contact Mrs S Stell, 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, <https://ico.org.uk> or telephone 08456 306060

Appendix 1

ST MARGARET'S ACADEMY

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 St Margaret's Academy. 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 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 Chairperson 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.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact Mrs S Stell, Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, <https://ico.org.uk> or telephone 08456 306060