



# Data Protection POLICY

<b>Document History</b>	
<b>CREATED:</b>	School Business Manager / Head Teacher
<b>Authorised By:</b>	Governing Body
<b>REVIEW FREQUENCY:</b>	Annually
<b>APPROVED BY GOVERNING BODY:</b>	Summer term 2018
<b>REVIEW DATE:</b>	Currently waiting for The Enquire Learning Trust's policy to be approved. This will replace this policy. Spring 2019

Easterside collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. 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.

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. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

### **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. It also takes into account the expected provisions of the General Data protection Regulation, which is new legislation due to come into force in 2018. This policy complies with our funding agreement and articles of association.

Appendix 1,2 & 3 all describe in further detail the different areas in which the academy, hold or share data.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to the GDPR 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

**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 two years. The policy review will be undertaken by the Head Teacher, or nominated representative.

**Contacts**

If you have any enquires in relation to this policy, please contact the Head Teacher 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](http://www.ico.gov.uk) or telephone 0303 123 1113

## Appendix I

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 Head Teacher. 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. Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights. For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent. Therefore most subject access requests from parents of pupils at this school will not be granted without the express permission of the pupil. Parents at this academy do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such requests, bearing in mind guidance issued from time to time from the Information Commissioner's Office.

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 Head Teacher.

5. The response time for subject access requests for all or part of the pupil's educational record, once officially received, is 15 school days. If the subject access request does not relate to the educational record, we will respond within 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.

### **Contacts**

If you have any queries or concerns regarding these policies /procedures then please contact the Head Teacher.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113.

## Appendix 2 Pupils

### Privacy Notice (How we use pupil information)

#### Why do we collect and use pupil information?

**EASTERSIDE ACADEMY** are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about your child from your previous school and the Learning Records Service.

#### Why we hold this personal data and what we use it for:

- Support with teaching and learning;
- Monitor and report on pupil progress;
- Provide appropriate pastoral care, and
- Assess how well the school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, special educational needs and any relevant medical information. Annually we will pass attainment / achievement information onto the parent or carer who has parental responsibility for the child, this will be in the form of a school report in the summer term.

***We will not give information about you to anyone outside the school without your consent unless the law or Education Act 1996 allow us to do so.***

We are required by law to pass some of your information to the Local Authority (LA), the Department for Education (DfE), and transferring schools.

If you want to see a copy of the information we hold and share about you then please contact the **Business Manager**.

If you require more information about how the LA and/or DfE store and use your information, then please go to the following websites:

<http://www.middlesbrough.gov.uk/mb-dp/> and

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you are unable to access these websites, please contact the LA or DfE as follows:

<ul style="list-style-type: none"><li>• Data Protection Officer</li></ul> <p>Legal &amp; Democratic Services Town Hall PO BOX 503 Middlesbrough TS1 9FX Telephone 01642 729686</p>	<p>Public Communications Unit Department for Education Sanctuary Buildings Great Smith Street London SW1P 3BT Website: <a href="http://www.education.gov.uk">www.education.gov.uk</a> Email: <a href="mailto:info@education.gsi.gov.uk">info@education.gsi.gov.uk</a> Telephone: 0870 000 2288</p>
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## **The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Medical information (such as name of GP, relevant medical conditions)
- Attendance information (such as sessions attended, number of absence, absence reasons)
- Behavioural information (such as behaviour incidents, exclusions)
- Assessment information (such as national curriculum assessments)
- Special educational needs information
- School history (such as where pupils go when they leave us)

## **Storing pupil data**

We hold pupil data for the lifetime of the pupil attending the school.

## **Who do we share pupil information with?**

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- the School Nursing service

We also provide pupil level personal data to third party organisations which supply services to us for which the provision of the data is essential for the service to be provided. Decisions on whether to release this data are subject to a robust approval process, including the arrangements in place to store and handle the data. We currently provide pupil level data for the following purposes:

- Systems integral to the delivery of core business services, e.g. Scholar Pack, Target Tracker, Cpoms.
- Curriculum needs e.g. THRIVE Online, Yoga Bugs.

A full current list is available on request.

School staff and invited representatives of the press do take photographs of pupils, in school or on school trips, for internal purposes. We may use these photographs for publication, for school publicity, but we will not name the pupils without the consent of their parents. If a parent does not want his/her child to be involved in the production of images s/he is asked to inform the school, in writing.

## **Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information about Individual Pupils) (England) Regulations 2013.

## **Data collection requirements:**

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information about Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and 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 information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

## **Requesting access to your personal data**

Under data protection legislation, parents with legal responsibility have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the Head Teacher via, the main school office.

You also have the right to object to processing of personal data that is likely to cause, or is causing, damage or distress. If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## **Appendix 3**

### **School workforce**

#### **The Data Protection Act 1998: How we use your information**

We process personal data relating to those we employ to work at, or otherwise engage to work at our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We also provide personal data to third party organisations which supply services to us for which the provision of the data is essential for the service to be provided. Decisions on whether to release this data are subject to a robust approval process, including the arrangements in place to store and handle the data. We currently provide pupil level data for the following purposes:

- Systems integral to the delivery of core business services e.g. Scholar Pack, Cpoms, Marvellous Me, Target Tracker.
- Systems integral to the operation of IT Services systems, e.g. Microsoft packages etc.
- Curriculum needs e.g. THRIVE Online, Yoga Bugs.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- our local authority
- the Department for Education (DfE)

If you require more information about how the LA and/or DfE store and use your personal data please visit:

- <https://www.middlesbrough.gov.uk/open-data-foi-and-have-your-say/data-protection>
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>