

This document is a statement of the aims and principles of the School, for ensuring the confidentiality and management of sensitive information relating to staff, pupils, parents and governors.

The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions. This policy is also linked to Hackney Learning Trust - Financial Procedures Manual for Schools which the school follows as well as other related policies such as Emergency Recovery Plan.

The Head teacher and Governors of this School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1988, as well as the IRMS Schools Information and Records Management Toolkit to ensure the effective management of all school records. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

## **Introduction**

St Scholastica's Catholic Primary School needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, St Scholastica's Catholic Primary School must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 ( the 1998 Act). In summary these state that personal data shall be:

- fairly and lawfully processed
- processed for specific purposes
- adequate, relevant and not excessive
- accurate and up to date
- not kept for longer than is necessary
- processed in line with individuals' rights
- secure
- not transferred to other countries without adequate protection

In reviewing this policy the Governing Body has also taken on recommendations from the DfE document <https://www.gov.uk/government/publications/cloud-software-services-and-the-data-protection-act>

The aim of this document is to highlight key areas of concern and to demonstrate the degree to which various suppliers comply with the law and its main provisions. When choosing a cloud service provider the school will select a data processor providing sufficient guarantees about the technical and organisational security measures governing the processing to be carried out, and will take reasonable steps to ensure compliance with those measures.

There is a checklist to support our assessment of the extent to which the cloud services from a particular supplier meet our educational, technical and commercial needs in a DPA-compliant manner.

There are a range of criteria that suppliers need to satisfy on behalf of the school before being appointed and DPA compliance is just one of these.

St Scholastica's Catholic Primary School and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the School has developed this Data Protection Policy.

## **Status of this Policy**

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 School from time to time. Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy,

unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

### **The Data Controller and the Designated Data Controllers**

The School as a body corporate is the Data Controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

The School has three Designated Data Controllers: They are the Headteacher, the two school Administrators who work in the school office. Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller, who would be: the Administrator.

### **Responsibilities of Staff**

All staff are responsible for:

- Checking that any information that they provide to the School in connection with their employment is accurate and up to date.
- Informing the School of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The School cannot be held responsible for any errors unless the staff member has informed the School of such changes.

If and when, as part of their responsibilities, staff collect information about other people (e.g. about a student's course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out in the Schools Data Protection Code of Practice.

### **Data Security**

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- 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
- If a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

### **Privacy Impact Assessment**

Schools may also wish to consider whether carrying out a Privacy Impact Assessment (PIA) would be appropriate to identify and minimise the privacy risks of new projects, systems and solutions when deciding whether to implement them. The ICO has a new code of practice on PIAs.

### **Rights to Access Information**

All staff, parents and other users are entitled to:

- Know what information the School holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the School is doing to comply with its obligations under the 1998 Act.

To address the first point, the School will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the School holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the *Subject Access Request* Form and submit it to the Designated Data Controller (they are attached at the end of this policy).

The School will make a charge of £10 on each occasion that access is requested, although the School has discretion to waive this.

The School aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

### **Subject Consent**

In many cases, the School can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the School processing some specified classes of personal data is a condition of acceptance of employment for staff. This includes information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The School has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The School has a duty of care to all staff and students and must therefore make sure that employees and those who use School facilities do not pose a threat or danger to other users.

The School may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The School will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

### **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the School is a safe place for everyone, or to operate other School policies, such as the Sick Pay Policy or the Equal Opportunities Policy. Because this information is considered **sensitive** under the 1998 Act, staff (and students where appropriate) will be asked to give their express consent for the School to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

### **Publication of School Information**

Certain items of information relating to School staff will be made available via searchable directories on the public Web site, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the School.

### **Retention of Data**

The School has a duty to retain some staff and student personal data for a period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time. As a school we follow the IRMS Schools Information and Records Management Toolkit Retention guidelines.

Please see attached a link to the records management society - toolkit for schools which sets out the retention period for documents held by schools.

[http://www.irms.org.uk/images/resources/infoguides/records\\_management\\_toolkit\\_for\\_schools\\_version\\_4\\_may\\_2012.pdf](http://www.irms.org.uk/images/resources/infoguides/records_management_toolkit_for_schools_version_4_may_2012.pdf)

### **Conclusion**

Compliance with the 1998 Act is the responsibility of all members of the School. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

Agreed By Governors: 14th October 2015

Presented to staff: October 2015

Signed by Chair of Governors \_\_\_\_\_ Date \_\_\_\_\_

Signed by Head teacher \_\_\_\_\_ Date \_\_\_\_\_

Review date: Autumn term 2015

**Access to personal data request**

Data Protection Act 1998 Section 7.

Enquirer's Surname.....Enquirer's Fore Names.....

Enquirer's Address

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.....  
.....  
.....

Enquirer's Postcode .....

Telephone Number .....

Are you the person who is the subject of the records you are enquiring about YES / NO (i.e. the "Data Subject")?

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the YES / NO records you are enquiring about?

If YES,

Name of child or children about whose personal data records you are enquiring

.....  
.....

Description of Concern / Area of Concern

Description of Information or Topic(s) Requested (In your own words)

Additional information.

Please despatch Reply to: (if different from enquirer's details as stated on this form)

Name

Address

Postcode

## Data subject declaration

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the 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 above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent) .....

Name of "Data Subject" (or Subject's Parent)

(PRINTED).....

Dated .....