

Keir Hardie Primary School



Data Protection Policy

Reviewed:	Autumn 2016
Date of Next Review:	Summer 2018

Data Protection Policy

This policy was reviewed by the co-ordinator

Print Name

Signature

Date

This policy was reviewed by the Head Teacher

Print Name

Signature

Date

This policy was reviewed and agreed by the Chair of Governors

Print Name

Signature

Date

Data Protection Policy

Keir Hardie Primary School collects and uses personal information about staff, students, parents or carers 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 students/parents or carers, this summarises the information held on students, why it is held and the other parties to whom it may be passed on.

The school will not become a processor whilst the pupil or staff member remains at the school, as all the information collected is that required by the local authority and used for local authority authorised purposes.

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.

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

1. The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:
2. Personal data shall be processed fairly and lawfully;
3. Personal data shall be obtained only for one or more specified and lawful purposes;
4. Personal data shall be adequate, relevant and not excessive;
5. Personal data shall be accurate and where necessary, kept up to date;
6. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;(see additional information below)
7. Personal data shall be processed in accordance with the rights of subjects under the Data Protection Act 1998;
8. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
9. 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

Timescales for retention of records

Recruitment information:

The school will retain all interview notes on all applicants for at least a 6 month period, after which time the notes will be destroyed (ie shredded) for unsuccessful applicants. The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or respond to any complaints made to the Employment Tribunal. For successful candidates interview notes will be stored in their personnel file. Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request, in writing, to the chair of the interview panel/Head Teacher within 6 months of the interview date.

Staff records:

Personal records, performance appraisals, employment contract etc. will be retained for 6 years after the staff member has left. This data may legitimately be used to defend a potential tribunal claim or defend a county court or high court claim. Data relating to PAYE, maternity pay or SMP will also be kept for 6 years as it may be required by HMRC for review purposes.

Pupil records:

Admission registers will be retained permanently on the MIS system as legally required.

Once the pupil has left, the MIS system only retains the following information :Name, DOB, gender, UPN, Address, telephone number and medical details.

Other pupil records will be forwarded securely to the appropriate primary or secondary school once they leave. If the child has moved abroad or gone missing from education the records will be retained until the child reaches the age of 25. Child protection records will be photocopied, securely archived and retained until the child reaches the age of 25.

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 and agreed at the Governors meetings.

Contacts

If you have any enquires in relation to this policy, please contact the School Office Manager 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 01625 545745 3

Appendix 1

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 students.

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 Student Information 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 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
- Council tax bill
- 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 student 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 Head Teacher 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 this policy / procedures then please contact the Office Manager.

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

PRIVACY NOTICE
for
***Pupils in Schools, Alternative Provision
and Pupil Referral Units
and Children in Early Years Settings***

Privacy Notice - Data Protection Act 1998

We **Keir Hardie Primary School** are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

In addition for Secondary and Middle deemed Secondary Schools

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the names and addresses of you and your parent(s), and any further information relevant to the support services' role.

However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, addresses and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please inform the school that you wish to opt out

¹ Attendance information is **NOT** collected as part of the Censuses for the Department for Education for the following pupils / children - a) in Nursery schools; b) aged under 4 years in Maintained schools; c) in Alternative Provision; and d) in Early Years Settings. This footnote can be removed where Local Authorities collect such attendance information for their own specific purposes.

of this arrangement. For more information about young people's services, please go to the National Careers Service page at

<https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>

We will not give information about you to anyone without your consent unless the law and our policies allow us to. We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use of the LA.

If you want to receive a copy of the information about you that we hold or share, please contact the school.

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

www.newham.gov.uk² or

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you cannot access these websites, please contact the LA or DfE as follows:

- London Borough of Newham
Information Governance
Second Floor Westside
Newham Dockside
1000 Dockside Road
London, E16 2QU

Website: www.newham.gov.uk

Email: Information.Governance@newham.gov.uk

Telephone: 020 8430 2000

- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

² Local Authority to provide a link to their website with information on uses they make of data and any other organisations they share data with. Ideally they should also provide an address where parents without internet access can write for information.

(This form is given to parents/guardians at the admission process and during the October Census)
Appendix 3

Privacy Notices:

The school workforce: those employed to teach, or otherwise engaged to work at, a school or a local authority

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 modeling 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 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 (LA)
- the Department for Education (DfE)

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

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

If you want to see a copy of information about you that we hold, please contact:

- Mrs S Tailor Tel Number : 020 7476 1284

(This notice is published annually to all staff)