# Keir Hardie Primary School

# Data Protection Policy

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| **Reviewed:** | **Summer 2018** |
| **Date of Next Review:** | **Autumn 2019** |

## 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 ……**

## Aims

Keir Hardie Primary school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with GDPR

This policy applies to all data, regardless of whether it is in paper or electronic format.

## Legislation and guidance

This policy meets the requirements of the General Data Protection Regulation, which is new legislation due to come into force in 2018.

## 3. Definitions

| Term | Definition |
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| **Personal data** | Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified |
| **Sensitive personal data** | Data such as:<br>Contact details<br>Racial or ethnic origin<br>Political opinions<br>Religious beliefs, or beliefs of a similar nature<br>Where a person is a member of a trade union<br>Physical and mental health<br>Sexual orientation<br>Whether a person has committed, or is alleged to have committed, an offence<br>Criminal convictions |
| **Processing** | Obtaining, recording or holding data |
| **Data subject** | The person whose personal data is held or processed |
| **Data controller** | A person or organisation that determines the purposes for which, and the manner in which, personal data is processed |

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| **Data processor** | A person, other than an employee of the data controller, who processes the data on behalf of the data controller |

## 4. The data controller

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller.

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

## 5. GDPR principles

The GDPR is based on the following data protection principles, or rules for good data handling:

Article 5 of the GDPR requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

## 6. Roles and responsibilities

The governing board has overall responsibility for ensuring that the school complies with its obligations under the GDPR.

Day-to-day responsibilities rest with the headteacher, or the deputy headteacher in the headteacher's absence. The headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## 7. Subject Access Requests

Under GDPR, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

The pupil's name

A correspondence address

A contact number and email address

Details about the information requested

The school will not reveal the following information in response to subject access requests:

Information that might cause serious harm to the physical or mental health of the pupil or another individual

Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests

Information contained in adoption and parental order records

Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 30 days, except where a request is complex. If this is the case, we will inform the person requesting the information to explain why the extension is necessary

The information will be provided free of charge. An exception to this is when a request is excessive, particularly if it is repetitive or if multiple copies of the same information is requested, in which case an administration fee would apply. The fee would be based on the administrative cost of providing the information, and would vary depending on the individual request.

## 9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 30 days of a 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.

## 10. Storage of records

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices. We will soon be implementing a ban on all personal USB memory sticks/flash drives to transport personal data.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

## 11. 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 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.

**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.

Potential employees and employees have the right to access the information held on them by the school. The school has 30 days after a subject access request is made to provide the information.

DBS copies are not kept on file.

**Pupil records:**
Admission registers will be deleted from SIMs automatically after the child has left.

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 for 5 years. Child protection records retained until the child reaches the age of 26.

## 11. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

## 12. Training

Our staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

## 13. The General Data Protection Regulation

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

## 14. Links with other policies

This data protection policy is linked to the freedom of information publication scheme and to the school's privacy notice.