



Southcote Primary School

Data Protection Policy

Southcote Primary School 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. Additionally, 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 which summarises the information held on pupils, why it is held and the other parties to whom it may be passed to.

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

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; and shall not be further processed in any manner incompatible with that purpose or other 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. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
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
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and accuracy of information held
- Ensure that information is not retained for longer than necessary
- Ensure that obsolete information is destroyed appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorized disclosure
- Share information with others only when it is legally appropriate to do so
- Maintain procedures to ensure compliance with the duty to respond to Subject Access Requests (access to personal information)
- Ensure staff are aware of and understand 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).

Contacts

If you have any enquires in relation to this policy, please contact the 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, www.ico.org.uk; telephone 0303 123 1113 (local rate) or 01625 545745 (national rate) or email casework@ico.org.uk

Review

This policy will be reviewed by the Full Governing Body of Southcote Primary School no less frequently than every 2 years.

Signed	L Telling Headteacher	Executive
Date	Summer 2016	
Ratified by Governors	Summer 2016	
Review Date	Summer 2018	

Appendix 1

Southcote Primary School – Procedures for responding to subject access requests made under the Data Protection Act 1998

Rights of access to information

These procedures relate to access requests made under the Data Protection Act 1998;

- A parent can request access to or a copy of their child's school records
- Staff can request access to their own records
- While in principle a child can request access to their own data this is generally only regarded as appropriate for children over the age of 12 years

Requests for information under the Freedom of Information Act are handled under separate procedures.

Carrying out 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 person making the request must be established before information is disclosed. Checks should be carried out regarding proof of relationship to the child. If required evidence of identity can be established by production of any of the following:
 - Passport
 - Driving Licence
 - Utility bill 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. Separately from the Data Protection Act, The Education (Pupil Information) (England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. Parents who wish to exercise this right must apply to the school in writing.
5. 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.
6. For educational records (unlike other personal data), access must be provided within 15 school days of payment. The education record is classified as the information that is, or would be passed between schools when a pupil moves.
 7. 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
 8. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
 9. In all cases, should third party information (information from or about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff (or local authority staff) which is exempt from a requirement for third party consents. If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released. However, there is still a need to adhere to the 40 day statutory timescale.
 10. 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.
 11. If there are concerns over the disclosure of information then additional advice should be sought.
 12. 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.
 13. 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.
 14. 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.
 15. Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their

comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.

16. The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

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.