



THE COOMBE SECONDARY SCHOOLS ACADEMY TRUST DATA PROTECTION POLICY

1. INTRODUCTION

1.1 Purpose

This statutory policy should be read in conjunction with the Data Protection Act 1998 (DPA), Independent School Standards Regulations 2010 (these apply to academies) and the ICO (Information Commissioner's Office) 'Report on the data protection guidance we gave schools 2012'.

At our school, we acknowledge that to function properly we need to collect and use certain types of information about staff, students and other individuals who come into contact with the school. We are also obliged to collect and use data to fulfil our obligations to the Local Authority/Education Department and other bodies. We deal with information properly in whatever way it is collected, recorded and used – on paper, electronically or any other way. We regard the lawful and correct treatment of personal information as very important to successful operations and to maintaining confidence between those with whom we deal and ourselves. We are conscious that much of the data we hold is classified as sensitive personal data and we are aware of the extra care this kind of information requires. We ensure that our organisation treats all personal information lawfully and correctly. To this end, we fully endorse and adhere to the data protection principles as contained in the Data Protection Act 1998.

1.2 Summary of the obligations under the Act

The main obligations under the Act relevant to staff are as follows:

Compliance with the eight data protection principles: The Act contains eight data protection principles which set out how organisations should handle Personal Data. Data is personal data if it relates to an individual and the individual can be identified from the data. They cover issues such as what information needs to be given to the individual, information security and using individuals' Personal Data in a fair way.

Subject access requests: The Act gives individuals a number of rights including a right to request a copy of the Personal Data we hold about them.

Sensitive Personal Data: There are extra obligations in relation to Sensitive Personal Data, held by us. Sensitive Personal Data is information about an individual's racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life and information relating to actual or alleged criminal activity.

Informing the individual: We must tell the individual how their Personal Data will be used (unless it is obvious).

2. DATA PROTECTION PRINCIPLES

All members of staff employed in our school are required to adhere to the eight enforceable data protection principles as set out in the DPA. The day to day management of this is designated to the Headteacher or Head of Centre but all staff are responsible for ensuring that they read this policy and comply with it and the DPA.

The Coombe Secondary Schools Academy Trust's schools are a Data Controller for the purposes of the Act and the Trust is registered with the Information Commissioner's Office as a Public Authority. Personal Information is processed to:

- *provide education and training*
 - *provide welfare and educational support services*
 - *to administer school property*
 - *maintain our own accounts and records*
 - *undertake fundraising*
 - *support and manage our employees*
- Data shall be processed fairly and lawfully and in particular shall not be processed unless specific conditions are met.
 - Personal data shall be obtained only for one or more specified and lawful purpose and shall not be further processed in any manner incompatible with that purpose or those purposes.
 - Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
 - Personal data shall be accurate and where necessary, kept up-to-date.
 - Personal data shall not be kept for longer than is necessary for that purpose or those purposes.
 - Personal data shall be processed in accordance with the rights of data subjects under the DPA.
 - 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.
 - 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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

3. SCHOOL PRACTICE

Within school we will strictly apply the following criteria and controls. These are to:

- Notify the ICO that we process personal data and re-notify if procedures change or are amended.
- Observe fully the conditions regarding the fair collection and use of information. To achieve this we have in place and use a privacy notice, sometimes called a fair processing notice – see appendix 2.

- Meet our legal obligations to specify the purposes for which information is used.
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Apply strict checks to determine the length of time information is held.
- Ensure that the rights of the persons about whom information is held can be fully exercised under the Act. These include the right to be informed that processing is being undertaken, the right to access to one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong information.
- Take appropriate technical and organisational security measures to safeguard personal information. We will review the physical security of buildings and storage systems as well as access to them. All portable electronic devices must be kept as securely as possible on and off school premises.
- Ensure that all Disclosure and Barring Service records (recruitment and vetting checks) are kept in a safe central place and that no unnecessary certification information is kept longer than six months.
- Ensure that personal information is not transferred abroad without suitable safeguards.
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information.
- Set out clear procedures for responding to requests for information – see appendix 1.
- Have in place secure methods for safely disposing of all electronic and paper records.
- Be sure that photographs of pupils are not included in any school publication or on the school website without specific consent.
- Take care that CCTV that captures or processes images of identifiable individuals is done in line with the data protection principles.
- Ensure appropriate use of photographs of children in our publications (we will not publish the name of the pupil alongside the photo without consent).
- Ensure that when staff or pupil information (electronic or otherwise) is taken off site that it is kept secure at all times.

We shall also ensure that:

- There is a named person with specific responsibility for data protection within the school.
- All persons managing and handling personal information understand that they are contractually responsible for following good data protection practice.
- All persons managing and handling personal information are trained to do so.

- Anyone wanting to make enquiries about handling personal information knows what to do.
- Anyone managing and handling personal information is appropriately supervised.
- Queries about handling personal information are properly and courteously dealt with.
- Methods of handling personal information are clearly described.
- A regular review and audit is made of the way personal information is held, managed and used.
- Methods of handling personal information are regularly assessed and evaluated.
- Performance with handling personal information is regularly assessed and evaluated.
- A breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against the members of staff concerned.
- On occasions when information is authorised for disposal, it is done appropriately.

4. Authorised Disclosures

Personal data will only be disclosed to third parties in two circumstances:

- Where the data subject has given consent (or in the case of a child without capacity under the DPA - ordinarily those under 12 years of age - their parent or guardian)
- Where the School is required or permitted by law to disclose it.

Recruitment

It will be necessary for the school to collect information from candidates applying for a position within the school. The application form will ask for information relevant to the position applied for and the applicant's explicit consent obtained, both for the data revealed by them and for any request which will be submitted to a third party for personal data about the applicant. The applicant will be informed of:

- Why the school collects the information
- How long it will be kept
- The security in place to protect the information
- How the application will be processed
- How the information given will be verified

This policy will be reviewed by the Governing Body and Headteacher at least every two years.

Reviewed: October 2014

Ratified: 9 December 2014

Appendix 1

Dealing with a subject access request

- Requests for personal data held about a pupil by the school must be made in writing (which includes the use of e-mail) and be addressed to the Headteacher. If the initial request does not clearly specify the information required, then the school will make further enquiries.
- The Headteacher must be confident of the identity of the individual making the request. Checks will be carried out regarding proof of relationship to the child. In addition, evidence of identity will 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)
- As stated above, any individual has the right of access to information held about them. However, in the case of 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.
- The school may make a charge for the provision of information, depending on the following:
 - No charge can be made if the requester simply wants to view the educational record of a child.
 - Should the information requested require a copy of the educational record, then the amount charged will be dependent upon the number of pages provided and the request will be considered under the DPA. This type of record is available to all parents until the child becomes an adult with or without the consent of the child.

Number of pages	Maximum fee
1-19	£1
20-29	£2
30-39	£3
40-49	£4
50-59	£5
60-69	£6
70-79	£7
80-89	£8

90-99	£9
100-149	£10
150-199	£15
200-249	£20
250-299	£25
300-349	£30
350-399	£35
400-499	£40
450-499	£45
500+	£50

- Should the information requested be personal information that is not an educational record, schools can charge up to £10 to provide it.
- The response time for subject access requests is 40 days from receipt (this refers to calendar days irrespective of school holiday periods).
- The DPA allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
- Third party information is information that has been provided by another person such as the local authority, the police, a health care professional or another school. It is good practice to seek the consent of the third party before disclosing information. Even if the third party does not consent, or consent is explicitly not given, the data may be disclosed. (There is no need in the case of third party requests to adhere to the 40-day statutory timescale.)
- Any information that could cause serious harm to the physical, emotional or mental health of a pupil or another person may not be disclosed, nor should information that would reveal that the child is at risk of abuse. The same stricture applies to information relating to court proceedings.
- If there are concerns about the disclosure of information, then additional advice should be sought, usually from the Information Commissioner's Office.
- When redaction (blacking out or obscuring of data) has taken place, then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.
- Information can be provided at the school with a member of staff on hand to assist if requested, or provided at face-to-face handover. The views of the applicant will be taken into account when considering the method of delivery. If postal systems have to be used, then registered or recorded mail will be used.
- Complaints will be dealt with in accordance with the school complaints procedure, which is available on-line or from the school office. Should the complainant wish to take the matter further, it may be referred to the Information Commissioner www.ico.gov.uk

Appendix 2

Privacy Notice

The notice below is sent to all parents by the School on admission and a school specific version will be included in student diaries for the secondary schools from September 2015:

Fair Processing Notice: DATA Protection Act

Schools have been asked to issue the attached DATA protection information to all parents.

Please tick the admissions form if you do not wish the LA or DfE to pass information other than name and address for purposes of careers advice.

Coombe Girls' School (CGS)/Coombe Boys' School (CBS)/Knollmead Primary School(KPS) processes personal data about its pupils and is a "data controller" in respect of this for the purposes of the Data Protection Act 1998. It processes this data to:

- support its pupils' teaching and learning;
- monitor and report on their progress;
- provide appropriate pastoral care; and
- assess how well the school as a whole is doing.

This data includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. In addition, as a staff, we record pupils' behaviour held on a secure, web based programme called Behaviour Watch/PARS/Management Information System which is retained and accessible only to appropriate staff.

If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to. This data may only be used or passed on for specific purposes allowed by law. From time to time the school is required to pass on some of this data to local authorities, the Department for Education (DfE), and to agencies that are prescribed by law, such as the Qualifications and Development Agency (QCDA), Ofsted, the Education Funding Agency, the Department of Health (DH), Primary Care Trusts (PCT) and Youth Support Services. All these are data controllers in respect of the data they receive, and are subject to the same legal constraints in how they deal with the data.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any data controller. The presumption is that by the age of 12 a child has sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request on a child's behalf if the child is younger.

If you wish to access your personal data, or that of your child, then please contact the school in writing. Details of these organisations can be found on the following website www.kingston.gov.uk or for those pupils/parents where this is not practical, a hard copy can be obtained from Coombe Girls' School/Coombe Boys' School/Knollmead Primary School.

Appendix 3

Data Protection Checklist

The following table can be used by staff handling data as a guide to ensuring DP compliance

Data protection checklist

This is not part of the notification process but this short checklist will help you to comply with the Data Protection Act. Being able to answer 'yes' to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction.

Do I really need this information about an individual? YES NO

Do I know what I'm going to use it for? YES NO

Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for? YES NO

If I'm asked to pass on personal information, would the people about whom I hold information expect me to do this? YES NO

Am I satisfied that the information is being held securely, whether it's on paper or on computer? What about my website? Is it secure? YES NO

Is access to personal information limited to those with a strict need to know? YES NO

Am I sure the personal information is accurate and up to date? YES NO

Do I delete or destroy personal information as soon as I have no more need for it? YES NO

Have I trained my staff in their duties and responsibilities under the Data Protection Act, and are they putting these into practice? YES NO

Do I need to notify the Information Commissioner, and if so is my notification up to date? YES NO

To help determine how well you comply with the data protection principles, visit: www.ico.gov.uk.

The information you need when you want it

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