

Data Protection Policy

This Policy was adopted by:

The Directors of the Primary Academies Trust

on 9 June 2014

Signed by.....Chair of Directors

Review Date Signed

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Primary Academies Trust Data Protection Policy (Please refer also to the PAT Freedom of Information Act Guidance (2000) and the PAT ESafety Policy)

To be reviewed – every two years

Success Criteria

All users; staff, pupils, parents and governors understand their responsibilities toward accessing and storing data and do so appropriately.

Introduction

This document is a statement of the aims and principles of the schools within the Primary Academies Trust, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

The Schools in the Primary Academies Trust, as elsewhere, need to keep certain information about their employees, students and other users to allow them 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, the Primary Academies Trust 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 obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

All Schools in the Primary Academies Trust; 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 Primary Academies Trust has developed this Data Protection Policy.

Responsibilities of Staff

All staff within the Primary Academies Trust 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.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745

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.

Subject Consent

In many cases, the Primary Academies Trust 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 Primary Academies Trust 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 Primary Academies Trust has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The Primary Academies Trust has a duty of care to all staff and students and must therefore make sure those employees and those who use our school facilities do not pose a threat or danger to other users. The Primary Academies Trust 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 Primary Academies Trust 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.

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 Primary Academies Trust policies.

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 Primary Academies Trust 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 Primary Academies Trust 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 Primary Academies Trust

Retention of Data

The Primary Academies Trust has a duty to retain some staff and student personal data for a period of time following their departure from the Primary Academies Trust, 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.

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

Appendix A

The Primary Academies Trust

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 pupils.

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 Pupil Information (Wales) 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 Claire Baillie. 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
 - 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 Head of School 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, dependant upon the following:
 - Should the information requested contain the educational record then the amount charged will be dependant 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 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.

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 Chief Executive Officer 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.