



Data Protection Policy

All Saints' Church of England 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. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

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;
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. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
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 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

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, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact the Headteacher headteacher@allsaints-alrewas.staffs.sch.uk 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

All Saints' Church of England Primary School 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 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 requester 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 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 dependant upon the number of pages provided.

- Should the information requested be personal information that does not include any information contained within educational records the school 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 body or person, 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 Chairperson 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.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher.

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

**All Saints' Church of England Primary
School
Academic Year 2013/14**

Organisations With Which We Share Data

This document should be read in conjunction with All Saints' Church of England Primary School's Privacy Notice.

All Saints' Church of England Primary School, the Local Authority (LA) and the Department for Education (DfE) all hold information on pupils. This is to run the education system, and in doing so, they have to follow the Data Protection Act 1998. This means, among other things that the data held about pupils must only be used for specific purposes allowed by law. The purpose of this document is to tell you about the types of data held, why that data is held, and to whom it may be passed on.

The **School** holds information on pupils to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes contact details, National Curriculum assessment results, attendance information, personal characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time we are legally required to pass on some of this data to others. This includes the Local Authority, Healthcare and Primary Care Trusts (the NHS), to another school to which the pupil is transferring, to the Learning and Skills Council, the DfE, Ofsted and to the Standards and Testing Authority (STA) which is responsible for the National Curriculum and associated assessment arrangements.

The **Local Authority**, which is Staffordshire County Council, uses information about pupils to carry out specific functions for which it is responsible. For example, the assessing of any special educational needs the pupil may have. It also uses the information to gather statistics to make essential decisions on, for example, funding schools, and to assess the performance of schools and set targets for them. It uses the statistics in such a way that individual pupils cannot be identified.

The **Learning and Skills Council** (LSC) uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the education service as a whole. It uses the statistics, including those based on information provided by the STA, in such a way that individual pupils cannot be identified. On occasion, it may share information with other government departments or agencies strictly for statistical or research purposes only.

Ofsted uses information about the progress and performance of pupils to help inspectors evaluate the work of schools. To assist schools in their self-evaluation and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual pupils.

The **DfE**, uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to LAs and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by

a former school. The DfE will also provide Ofsted with pupil level data for use in school inspection. Where relevant, pupil information may also be shared with further education institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans.

Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression and to provide detailed information back to LAs and learning institutions to support their day to day business.

The DfE may also use contact details from these sources to obtain samples for statistical surveys - these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies including the Office for National Statistics, for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way as to identify any individual in published results. This data sharing will be approved and controlled by the Department's Chief Statistician.

The DfE may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them. Parents can use this right on their child's behalf if they are too young to do so themselves. If your child wishes to access their personal data, or you wish to do so on their behalf, then please contact the relevant organisation in writing:

- **The Headteacher of the school:** Headteacher, All Saints' Church of England Primary School, Furlong Close, Alrewas, Burton upon Trent, Staffordshire, DE13 7EF
- **The Local Authority:** Access to Information Officer, Information Governance Unit, Staffordshire County Council, Staffordshire Place 2, Stafford, ST16 2LP
- **The Department for Education:** Data Protection Officer at DCSF, Caxton House, Tothill Street, LONDON, SW1H 9NA
- **Ofsted:** Data Protection Officer, Alexandra House, 33 Kingsway, London WC2B 6SE
- **Learning and Skills Council:** Data Protection Officer, Cheylesmore House, Quinton Road, Coventry, Warwickshire CV1 2WT

This policy should be read in conjunction with the Privacy Notice.

In order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requester's identity and any further information required to locate the information requested.

Separately from the Data Protection Act, The Education Act 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. If you wish to exercise this right you should write to the school.

Your child, as soon as they are old enough to understand, has rights about information held on them under the Data Protection Act. This will vary from one child to another and you will wish to consider the position for your child, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12. We would therefore encourage you to share this note with your child if they are aged 12 or over.