



A Co-operative Academy

Rickley Park Primary School Data Protection Policy (June 2014)

1. Key Value

We look after ourselves, each other and our world by taking responsibility for our actions.

2. Responsibility

2.1 Rickley Park 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.

2.2 The School is registered, as the Data Controller¹, with the Information Commissioner's Office (ICO) detailing the information held and its use. The notification appears on the public register of data controllers on the ICO's website.

2.3 The School issues a Privacy Notice, formerly known as a Fair Processing Notice (*Appendix 1*) to all pupils/parents and to all staff (*Appendix 2*); this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

2.4 Individual members of staff can be personally liable in law under the terms of Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorized use or disclosure of their data. A deliberate breach of this policy will be treated as a disciplinary matter.

2.5 Any queries or concerns about the security of data in school should, in the first instance, be referred to the Headteacher.

3. Purpose

3.1 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.

3.2 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.

4. What is Personal Information?

4.1 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.

¹Technically it is the governing body, as the body corporate with responsibility for managing the school – but it is common, acceptable and more easily understood for notification to be done in the school's name.

5. Data Protection Principles

5.1 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.

6. General Statement

6.1 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

7. Complaints

7.1 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).

8. Review

8.1 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.

9. Contacts

9.1 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.

9.2 Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113

Appendix 1



Privacy Notice (Pupils) - Data Protection Act 1998

Rickley Park Primary School are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information.

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use of the LA.

If you want to receive a copy of the information about you that we hold or share, please contact the Headteacher. There may be a charge for this service.

If you need more information about how the LA and DfE store and use your information, then please go to the following website:

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

Appendix 2



Privacy Notice (Staff) - Data Protection Act 1998

We Rickley Park Primary School are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school about those employed or otherwise engaged to work at the school. This is to assist in the smooth running of the school and/or enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of school workforce data across the sector;
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- Informing the development of recruitment and retention policies;
- Allowing better financial modeling and planning;
- Enabling ethnicity and disability monitoring; and
- Supporting the work of the School Teacher Review Body and the School Support Staff Negotiating Body.

This personal data includes some or all of the following - identifiers such as name and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

We will not give information about you to anyone outside the school or Local Authority (LA) without your consent unless the law and our rules allow us to.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use of the LA.

If you require more information about how the LA and/or DfE store and use this data please go to the following website:

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/a0077963/what-the-department-does-with-school-workforce-data>

If you are unable to access this websites, please contact the DfE as follows:

- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Email: info@education.gsi.gov.uk
Telephone: 0370 000 2288.

Appendix 3

Rickley Park 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 (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 the Headteacher. A request form is provided for convenience in Appendix 4 but it is not necessary to use this form. 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 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, 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 the schools may 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 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

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk . Tel: 0303 123 1113.

Appendix 4



A Co-operative Academy

Request for Personal Data Under the Data Protection Act

Please complete sections 1 – 4 and return this form together with your fee and proof of identity (see section 3) to the Headteacher, Rickley Park Primary School, Rickley Lane, Bletchley, Milton Keynes MK3 6EW.

1. Subject of the Request
(the person whose information is being requested)

--

2. Your Details
(person applying for information – this must be the same as the person in section 1 if the subject is over 12 years of age)

Surname:	Forename:
Former surname (s) (where relevant):	
Postal Address	
Post Code:	Country:
Daytime Telephone:	Email:
Date of Birth (For identification purposes only):	
Your relationship to the person named in section 1:	

3. Data requested

Please describe the data you are seeking as precisely as you can. Continue on a separate sheet if necessary:

--

4. Signature

I certify that

I have parental responsibility for/ I am [delete as appropriate]

the person named on this form and that I wish to be provided with the data I have specified in Section 3.

I will not publish any data which are supplied to me without prior permission from Rickley Park Primary School or the copyright owner (if copyright is not owned by Rickley Park Primary School), except where permitted by law.

Signature:

Date:

Please enclose the following with this form:

1. A cheque for £10.00 payable to Rickley Park Primary School
2. Proof of your identity. Please supply a photocopy (not originals) of one of the following:
 - passport
 - driving licence
 - utility bill with your current address
 - Birth / Marriage certificate
 - P45/P60
 - Credit Card or Mortgage statement

This list is not exhaustive.

5. Data Protection Act Declaration

The data gathered by this form will be used to process your request for personal data under the Data Protection Act. It will be held by Rickley Park Primary School's Information Manager and may be passed to other parts of the school for the purposes of verifying your identity or processing your request for data. The data will be held for six years from the date when we responded to your request, unless your request forms part of an on-going case, in which case the data will be kept for as long as necessary.