

## **ST. ANNE'S CATHOLIC PRIMARY SCHOOL, BUXTON DATA PROTECTION POLICY 2011**

### **General Statement**

The Headteacher and Governors of St. Anne's School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and 1998, and have completed notification under the Act. All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities within these guidelines.

### **Enquiries**

Information about the school's Data Protection Policy is available from the Administration Manager, and general information about the Data Protection Act can be obtained from the Local Authority's Data Protection Liaison Officer at County Hall: Tel: 01629 580000.

### **Fair Obtaining**

The school undertakes to obtain and process personal data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' rights of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally the person collecting will explain the issues before obtaining the information.

### **Registered Purposes**

The Government now sets the information in the Data Protection Notification entry for the school. Explanation of the codes and categories entered is available from the Administration Manager, who is the person nominated to deal with Data Protection issues in the school. Notified purposes covering the data held at the school are listed on the School's Notification and data collection documents. Information held for these stated purposes will not be used for any other purposes without the data subjects' consent.

### **Data Integrity**

The school undertakes to ensure data integrity by the following methods:

#### **1. Data Accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the school of a change of circumstances, their record will be updated as soon as is practicable. Where a data subject challenges the accuracy of their data, the school will immediately mark the record as potentially inaccurate (challenged). We shall try to resolve the issue informally, but if this is not possible, any disputes will be referred to the Governing Body for their deliberation.

If the problem is not resolved at this stage, either side may seek independent arbitration. Until resolved, the challenged marker will remain and all disclosures of the affected information will contain both versions of the information. In order to prevent such problem areas, we shall provide data subjects with opportunities to check their data accuracy and request amendments.

#### **2. Data Adequacy and Relevance**

Data held about people will be adequate, relevant and not excessive to the purpose for holding the data. In order to ensure compliance with this principle, the Administration Manager will arrange for records to be checked regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data for the pupil database.

### **3. Length of Time**

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Administration Manager, using appropriate guidance from the LA/DCSF, to ensure obsolete data is properly erased.

### **Access to Pupils' Information Held by the School**

There are two distinct rights to information held by schools about pupils.

1. The subject access right – under the Act a pupil has the right to a copy of their own information. This includes:
  - information held on computer (or other automated means);
  - information held in structured files;
  - information in the educational record regardless of the form in which it is held; and
  - unstructured information, for example, held in loose correspondence.

In certain circumstances requests may be made by a parent on behalf of their child. Requests should be made in writing and the school is entitled to ask for any further information reasonably required to locate the information and satisfy itself about the identity of the person making the request.

2. Rights to the educational record – under the Education (Pupil Information) (England) Regulations 2005, referred to here as the Regulations, a parent has the right to access their child's educational record.

Under the subject access right parents will only be able to see all the information about their child when the child is unable to act on their own behalf or gives consent. The Information Commissioner's Office has stated that, as a general guide, a child of 12 or older is expected to be mature enough to understand the request they are making. A child may, of course, be mature enough at an earlier age or may lack sufficient maturity until a later age, and so requests will be considered by the school on a case-by-case basis.

Under the Regulations, requests from parents to view their child's educational record will be dealt with by the Governing Body. All other requests for personal information from the pupil, or someone acting on their behalf, will be dealt with by the Headteacher.

In order to ensure that people receive only information about themselves, it is essential that a formal system of requests is in place. Where a request for subject access is received in respect of a pupil, the school's policy is that:

- ~ Requests from parents in respect of their own child will, provided that the child does not understand the nature of subject access requests, be processed requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.
- ~ Requests from pupils who do NOT understand the nature of the request will be referred to the child's parents.
- ~ Requests from pupils who can demonstrate an understanding of the nature of their request will be processed as any subject access request, as outlined below, and the copy will be given directly to the pupil.

### **Processing Subject Access Requests**

Pupils/parents should ask for the Subject Access form available from the school office and staff should use the Staff Request form available from the Headteacher. Completed forms should be submitted to the Administration Manager. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, indicating the date of receipt, data subject's name, name and address of requester (if different), type of data required (e.g. Pupil Record, Personnel Record) and planned date of supplying the information. This will depend on the type of information requested, whether a fee is payable and whether any further information about identity or the location of the information is received.

Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be the date on which sufficient information has been provided.

Where a subject access request for personal information containing, in whole or part, the 'educational record' is received, a charge will be made depending on the number of pages provided. The fees work on a scale basis as shown below:

<b>Number of pages</b>	<b>Maximum fee</b>
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
400-449	£40
450-499	£45
500+	£50

### **Authorised Disclosures**

Where the response includes information about another individual, the school will consider the request carefully, as there is not only a duty to consider the rights of the individual making the request but also a duty to respect the privacy of any other individuals who may be identified. In general, the school will only disclose data about individuals with their consent. However, there are circumstances under which the school's authorised officer(s) may wish to reveal data without express consent.

These circumstances are intentionally limited to:

- ~ Pupil data disclosed to authorised recipients in respect of education and administration necessary for the school to perform its legitimate duties and obligations.
- ~ Pupil data disclosed to authorised recipients in respect of their children's health, safety and welfare.
- ~ Pupil data disclosed to parents in respect of their children's progress, attendance, attitude and general demeanour within, and in the vicinity of, the school.
- ~ Staff data disclosed to the relevant authority in respect of payroll and schools' staff administration.
- ~ Other disclosures that may prove unavoidable, for example where an incidental disclosure occurs when an engineer is fixing the computer systems. In such cases, the engineer will sign a document to promise NOT to disclose such data outside the school. Education Authority IT Liaison/Support Officers are professionally bound not to disclose such data.

There are two situations when information may be withheld. The first is when the information is covered by an exemption in the Act (see below). The second is when the cost of supplying information held in an unstructured way would exceed £450. This cost structure is in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

The main exemptions when information may be withheld relate to:

- information which might cause serious harm to the physical or mental health of the pupil or another individual;
- cases where the disclosure would reveal a child is at risk of abuse;
- information contained in adoption and parental order records;
- information given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
- copies of examination scripts; and
- providing examination marks before they are officially announced.

Only authorised and properly instructed staff are allowed to make external disclosures of personal data, i.e. staff who have been on a Data Protection course or have been briefed on the contents of such a course. Data used within the school by administrative staff, teachers and welfare workers must be made available only if the staff member **needs to know** the information for their work within the school. This decision will rest with the Headteacher or, in his/her absence, a member of the Senior Management Team.

### **Data and Computer Security**

The School undertakes to ensure security of personal data by the following general methods - (for security reasons we cannot reveal precise details in this document):

#### **1. Physical Security**

Appropriate building security measures are in place such as alarms and deadlocks. Only authorised persons are allowed in the rooms where the administration computers are kept. All staff using these computers will ensure that, when necessary, the computer screen is switched off, so that unauthorised persons cannot see personal information. Disks, tapes, portable drives and printouts containing personal data are locked away securely when not in use. Security locks are fitted to the junior entrance door and the internal door to the school from the entrance lobby – the latter being controlled by an intercom system which can be operated from both the Medical Room and by the keypad next to the door. The keypad code number should only be given to authorised staff, i.e. those employed on contracts at the school. Visitors to the school are required to sign in and out and are accompanied, where appropriate. Visitor badges are issued to anyone who will spend time in the school unaccompanied. The main administration office has a lockable store for archive documents and other documents covered by the Data Protection Act. It also has a keypad on the door, for use when required; the number known only by authorised administration staff.

#### **2. Logical Security**

Secure software is installed on all computers containing personal data, only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up regularly (i.e. security copies are taken). Any data relating to individual children's attainment, e.g. annual reports, should only be held on the server and not on individual machines of any description e.g. laptops. Child protection reports, letters, information etc. are currently saved to a secure portable drive, located in the safe.

### **3. Procedural Security**

Should it be necessary to give a member of staff authorised access to one of the administration computers, they will be properly checked and, if considered necessary, will sign a confidentiality agreement. If authorised, visitors requiring computer access will be provided with access for a designated period of time to the curriculum network only. All staff are made aware of their Data Protection obligations and their knowledge updated as necessary. Computer printout and source documents are always shredded before disposal. All staff have signed a laptop loan agreement, covering security of laptops. The signed forms are held in the main administration office.

Overall security policy is determined by the Governing Body and will be monitored and reviewed as appropriate and whenever a major security breach or loophole is apparent. The school's security policy is kept in a safe place at all times. Any queries or concerns about security of data within the school should be brought to the attention of the Headteacher.

Individual members of staff can be liable under the terms of the Acts. They may also be subject to damages claims from persons harmed as a result of inaccuracy, unauthorised use or disclosure of their data. Any deliberate breach of this Data Protection Policy will be treated as a disciplinary matter and serious breaches of the Act may lead to dismissal.

Further details on any aspect of this policy and its implementation can be obtained from the school. Aspects relating to Data Protection are included in guidance issued by the Information Commissioner's Office.

**This policy was reviewed on 18<sup>th</sup> July 2011 and has been impact assessed in the light of all other school policies including the Disability Equality Scheme.**

**Written 20th November 1996**

**Reviewed 1997**

**Reviewed September 2002**

**Reviewed February 2005**

**Reviewed June 2006**

**Reviewed June 2009**

**Reviewed March 2011**

**Reviewed July 2011**