

Data Protection Policy

This policy has been written for...	All staff and students at West Heath School
Copies of this policy may be obtained from...	<ul style="list-style-type: none"> • The School web site - http://www.westheathschool.com • It is available as a hard copy on request from the school office • Hard copies for reference are filed in the staff room
This policy links with the following policies	This policy should be read in conjunction with the CCTV Policy
Participants and consultees in the formulation of this policy were...	The Principal, senior leadership team, student services committee and the trustees of the School. A representative group of students were invited to make comments and suggestions.
Edition, Review frequency and dates	This is edition 3, released June 2016 This policy will be reviewed every two years It is due for review June 2018
Relevant statutory guidance, circulars, legislation & other sources of information are...	Data Protection Act 1998
The Lead Member of staff is	Vice Principal Commissioning and Development
Definitions and key terms used in this policy...	
The Rationale and Purpose of this policy	To communicate the Schools responsibility under the Data protection Act 1998
Appendices	This policy has 1 appendix
Copying	No school policy is ever written in isolation. Acknowledgement of sources of advice and significant influence in the development and recording of policies at the West Heath School are noted on the front page. We request that any schools or organisations incorporating large sections of this policy without alteration should make similar appropriate acknowledgement.

Introduction

West Heath 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.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

The Aims & Objectives of this policy..

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.

Principles

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 <http://www.legislation.gov.uk/ukpga/1998/29/Schedule/1> (accessed 5th May 2016)

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes 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 this Act.
7. 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.
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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Procedures & Practices

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
- Ensure any staff carrying out research do so in line with permission from the SLT, school policy and appropriate ethics on confidentiality and anonymity.

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 Principal, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact The Principal Commissioning who will also act as the contact point for any subject access requests.

Further advice and information is available <http://www.ico.gov.uk> and <http://www.legislation.gov.uk/ukpga/1998/29/contents> (accessed Sept. 2014)

Persons with particular responsibilities

Chair of Trustees
Principal
Vice Principal Commissioning and Development
HR

Other Participants & Stakeholders

All staff, students and parents and guardians

**Monitoring &
Evaluation**

SLT
Student Services Committee
Trustees
HR

Appendix 1

West Heath School

Procedures for responding to subject access requests made under the Data Protection Act 1998

Rights of access to information

Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them. These procedures relate to subject access requests made under the Act..

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to the Principal. 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 Principal 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 dependent 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 Principal.

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