



## **DATA PROTECTION POLICY**

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## **DATA PROTECTION POLICY**

Inspire Multi Academy Trust and our academies collect and use personal information about staff, pupils, parents and other individuals who come into contact with the Trust or individual academies.

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 Fair Processing 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.

### Purpose and Statement of 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.

The Directors of Inspire Multi Academy Trust have overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Members, Directors, employees and members of Local Governing Bodies intend to comply fully with the requirements and principles of the Data Protection Act 1988. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

Enquiries for further information about the Data Protection Policy is available from the individual academies within Inspire Multi Academy Trust.

General information about the Data Protection Act can be obtained from the office of the Information Commissioner (website <http://www.ico.gov.uk>).

### 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 whether it is held internally or cloud based.
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.

#### Fair Obtaining and Processing

Inspire Academies undertake to obtain and process 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' right 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.

"processing" means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

"data subject" means an individual who is the subject of personal data or the person to whom the information relates.

"personal data" means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, along with names and photographs if published in the press, Internet or media.

"parent" has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child. The Data Protection Registration entries for Inspire Multi Academy Trust are available for inspection, by appointment, at the address previously stated.

Registered purposes covering the data held at the school are listed on the academy's Registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

#### 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. 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.
4. 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.
5. 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 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.
  - free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.
6. 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.

Note: In the case of any written request from a parent regarding their own child's record, the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

7. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
8. 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.
9. 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.
10. If there are concerns over the disclosure of information then additional advice should be sought.
11. 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.
12. 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.
13. 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.

#### Authorised Disclosures

The academy will, in general, only disclose data about individuals with their consent. However there are circumstances under which the academy's authorised officer may need to disclose data without explicit consent for that occasion. These circumstances are strictly limited to:-

- Student data disclosed to authorised recipients related to education and administration necessary for the academy to perform its statutory duties and obligations
- Student data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Such persons are contractually bound not to disclose personal data.

Only authorised staff are allowed to make external disclosures of personal data. Data used within the academy by administrative staff, teachers and other officers will only be made available where the person requesting the information is a professional legitimately working within the academy who need to know the information in order to do their work.

The academy will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

A “legal disclosure” is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An “illegal disclosure” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the academies registered purposes.

### Data and Computer Security

Inspire Multi Academy Trust undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed).

#### *Physical Security:*

Appropriate building security measures are in place, such as key fob entry, alarms, window bars, deadlocks. Only authorised persons are allowed in the server room which is locked when not in use. Disks, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

Security 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 (i.e. security copies are taken) regularly.

#### *Procedural Security:*

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Overall security policy for data is determined by the Directors of the Academy and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent. Any queries or concerns about security of data in the academy should in the first instance be referred to the nominated relevant officer.

Individual members of staff can be personally liable in law under the terms of the 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, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

## ACCESS TO PERSONAL DATA REQUEST FORM

### Enquirer's Details

Enquirer's Surname	
Enquirer's Forename	
Enquirer's Address	
Enquirer's Postcode	
Telephone Number	

Are you the person who is the subject of the records you are enquiring about?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If No, do you have parental responsibility for a child who is the "Data Subject" of records you are enquiring about?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes, name the child/children about whose personal data records you are enquiring	

Information Required (continue on a separate sheet if necessary)

### DATA SUBJECT DECLARATION

I request that the academy search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search. I consent to the reply being disclosed and sent to me at my stated address.

Name:	
Signature:	
Date:	