

# Data Protection Policy

## Springwood Heath Primary School



<b>Approved by:</b>	Governing body	<b>Date:</b> September 2023
<b>Last reviewed on:</b>	September 2023	
<b>Next review due by:</b>	September 2024	

## **Commitment to the Protection of Personal Information**

Springwood Heath 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.

## **LEGISLATION & GUIDANCE**

The Data Protection Act 1998 came into force on 1st March 2000. It sets out what can and what cannot be done with personal data; that is information about living individuals. Springwood Heath Primary School is placed under a legal obligation to comply with the provisions of this Act.

*The Data Protection Act 1998 is being replaced by the General Data Protection Regulation (GDPR) on May 25<sup>th</sup> 2018. There is a UK specific data protection act also coming into force and the UK Data Protection Act is currently going through parliament for approval and could still see changes or additions before it receives royal assent.*

*In preparation for the new legislation, school will continue to take advice from Warrington Borough Council's Information Governance team and will review our data protection policies as any new requirements under the UK Data Protection Bill once published are communicated.*

This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is new legislation due to come into force in 2018.

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record. This policy complies with our funding agreement and articles of association.

Springwood Heath Primary School needs to collect and use certain types of information about people with whom it deals in order to operate effectively. These include pupils, parents, guardians, staff, governors, suppliers and others with whom it communicates. In addition, it is required by law to collect and use certain types of information to comply with the requirements of government departments.

This personal information must be dealt with properly and securely regardless of what method is used for its collection, recording or use – whether this is paper, a computer system or any other material. There are safeguards to ensure that the processing of such information is carried out in a proper fashion and these are contained in the Act.

This policy does not seek to convey the whole legislation to its readers, rather to acquaint them with the main provisions and to demonstrate that Springwood Heath Primary School has a

commitment to those provisions. Springwood Heath Primary School regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions and to maintaining confidence between those with whom we deal and ourselves. We ensure that our school treats personal information lawfully and fairly.

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 school’s Privacy Notice is accessible on our school website.

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"> <li>• Contact details</li> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> <li>• Religious beliefs, or beliefs of a similar nature</li> <li>• Where a person is a member of a trade union</li> <li>• Physical and mental health</li> <li>• Sexual orientation</li> <li>• Whether a person has committed, or is alleged to have committed, an offence</li> <li>• Criminal convictions</li> </ul>
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

### Our Data Protection Standards

Springwood Heath Primary School will, through appropriate management and adherence to agreed procedures:

- Observe fully the conditions relating to the fair collection and lawful use of personal information;
- Meet its legal obligations to specify the purposes for which the information is used;

- Collect and process appropriate information but only that which is necessary to its operational needs or meet its legal requirements;
- Ensure the quality of information used; we will ask people to help us to achieve this by keeping us informed of any changes to the information we hold about them;
- Apply strict checks to determine the length of time information is held and to ensure that it will be disposed of when no longer required with due regard for its sensitivity;
- Ensure that the rights of people about whom information is held can be exercised.

These include the right to be informed that processing is being undertaken, the right to access one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong;

- Take appropriate technical and organisational measures to safeguard personal information.

### Management Arrangements

Springwood Heath Primary School will ensure that:

- the Headteacher and governors hold specific responsibility for data protection within the school;
- everyone managing and handling personal information understands that they are responsible for following good data protection practice;
- everyone managing and handling personal information is appropriately trained to do so;
- everyone managing and handling personal information is appropriately supervised
- anyone wanting to make enquiries about handling personal information knows what to do;
- queries about handling personal information are dealt with promptly and courteously;
- methods of handling personal information are regularly assessed and evaluated;
- records of personal information will not be kept for longer than is necessary, and will follow the guidance on records retention issued by the local authority.

### Data Protection and Privacy Notice Checklist

Privacy notice (statutory requirement)	
Policy introduction	You should explain that the school is a data controller and, as such, is registered with the ICO and complies with the principles of the Data Protection Act 1998.
Fair processing	You should set out the types of information you hold about pupils, staff and other groups, what you do with it and why you need it.  You should also set out the other organisations you share information with. You may wish to make it clear that access to the information is only available to those who need it.
Storage and disposal of information	You should explain how confidential information will be kept secure while it is being stored or used by the school, and when it is being shared with others.  You should also explain how the school will ensure that personal data is safely disposed of.
Handling requests for information	You should outline procedures for handling requests for information, including individuals' rights of access to information,

	timescales for responding, and charges that may be made. This could be in an appendix to the policy/privacy notice.
<b>Data protection policy (non-statutory)</b>	
The data protection principles	A broader data protection policy could include information on the eight principles of data protection, along with a statement that the school will commit to them.
Responsibilities of different groups	A policy might also set out clear procedures for staff and governors to follow when handling personal data.
Training for staff and governors	A data protection policy could also include a statement on training and development to ensure that staff and governors are aware of their responsibilities under the legislation.

### **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).

### **Contacts**

If you have any enquires in relation to this policy, please contact the Headteacher, or representative, 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](http://www.ico.gov.uk) or telephone 01625 545745 3

## **ACCESS TO INFORMATION**

### **Springwood Heath Primary's 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 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, 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 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, or representative. Further advice and information can be obtained from

The Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone.