



Work, play, pray - together

St. Mary's RC Primary School

Privacy Notice and Data Protection Policy

Approved:

Review Date:

Data Protection Policy

St. Mary's RC 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 provide educational, pastoral, safeguarding and other associated functions. In addition, there is 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). Schools also have a duty to issue a Privacy Notice and Fair Processing Notice to all pupils/parents: this summarises the information held on pupils, why it is held and the lists other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with General Data Protection Regulations (GDPR) 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

GDPR establishes six enforceable principles that must be adhered to at all times:

- Personal data shall be processed fairly, lawfully and transparently;
- Personal data shall be obtained only for one or more specified and lawful purpose(s);
- Personal data shall be adequate, relevant and not excessive;
- Personal data shall be accurate and where necessary, kept up to date;
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
- Personal data shall be processed in accordance with the rights of data subjects under General Data Protection Regulations (Article 5, clause 1);

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
- 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 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. See appendix 1.
- Ensure our staff are aware of and understand our policies and procedures

Registration

The school is registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

Privacy Notice

Under the “Fair Processing” requirements in the GDPR, the school will inform parents/carers of the data they hold on their child/children, the purposes for which the data is held and the third parties (e.g. LA, DfE) to whom it may be passed.

A hard copy of the Privacy Notice is provided to all new parents/carers as part of the new starter pack. See appendix 2

To inform staff of the data they hold, the purposes for which the data is held and the third parties to whom it may be passed, a hard copy of the Privacy Notice for Staff will be posted on the staff noticeboard and will be provided to new starters as part of their induction pack. See appendix 3.

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.

Next review date:

Appendix 1.

St. Mary's RC Primary School – Subject Access Requests

Procedures for responding to subject access request 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. Any individual has the right to make a request to access the personal information held about them.

The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a Subject Access Request

Requests for information must be made in writing; which includes email, and be addressed to Mrs. Graham, Head teacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

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
- identity card
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

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 Head teacher 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.

SUBJECT ACCESS REQUEST (FORM)

Please complete the following form and return it to the school office.

Title	
Surname	
First Name(s)	
Current Address	
Telephone (home)	
Telephone (mobile)	
Telephone (work)	
Email Address	
Date of Birth	
Details of Identification provided to confirm name of Data Subject in question	
Details of Data Requested	

If the person requesting the information is NOT the data subject, complete the below:

Are you acting on behalf of the data subject with their written consent or in another legal authority?	YES	NO
If YES please state your relationship with the data subject (e.g. Parent / Legal Guardian /Solicitor)		
Has proof been provided to confirm you are legally Authorised to obtain the information?		

Title	
Surname	
First Name(s)	
Current Address	
Telephone (Home)	
Telephone (Mobile)	
Telephone (Work)	
Email Address	

B) Declaration

I hereby request that St. Mary's RC Primary provide me with the information about the data subject above.

Name: _____

Signature: _____

Date: _____

Appendix 2

GDPR Privacy Notice: How we use pupil information

Who processes your information?

St Mary's RC Primary School is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

Mr. Kevin Nicolls, Chair of Governors is the representative for the school regarding the school's data controller responsibilities and Mrs. M. Graham, Head Teacher is the school's Data Protection Officer. Mrs. Graham's role is to oversee and monitor the school's data protection procedures and to ensure they are compliant with the GDPR. Mrs. Graham can be contacted on: 0191 4898336 or info@stmarysjarrow.co.uk

In some cases, your data will be outsourced to a third-party processor. However, this will only be done with your consent; unless the law requires the school to share it. Where data is outsourced to a third-party processor, the same data protection standards that St. Mary's RC Primary School upholds are imposed on the processor.

Why do we collect and use your information?

St. Mary's RC Primary School holds the legal right to collect and use personal data relating to pupils and their families and may also receive information regarding them from previous schools, the LA and the DfE. The school collects and uses personal data in order to meet legal requirements and for legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

The personal data of pupils and their families is used for the following reasons:

- To support pupil learning
- To monitor and report on pupil progress and attainment
- To provide appropriate pastoral care
- To safeguard pupils
- To assess the quality of our service
- To comply with the law regarding data sharing e.g. School Census

Which data is collected?

The categories of pupil information that the school collects, holds and shares include the following:

- Personal information – e.g. names, addresses, date of birth
- Characteristics – e.g. religion, nationality, language and free school meal eligibility
- Attendance information – e.g. number of absences and reasons for absence
- Assessment information – e.g. national curriculum assessment results
- Relevant medical information
- Information relating to SEND
- Behavioural information – e.g. number of temporary exclusions

Whilst the majority of the personal data you provide to the school is mandatory, some is provided on a voluntary basis. In order to comply with the General Data Protection Regulation (GDPR), school will inform you whether you are required to provide certain pupil information or if you have a choice in this.

How long is your data stored for?

Personal data relating to pupils at St. Mary's RC Primary School and their families is stored in line with the school's GDPR Data Protection Policy. In accordance with GDPR, the school does not store personal data indefinitely; data is only stored for as long as is necessary to complete the task for which it was originally collected.

Will my information be shared?

The school has a statutory duty to share pupils' data with the DfE. The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. The DfE may share information about our pupils from the NDP with third parties who promote the education or wellbeing of children in England by:

- Conducting research or analysis
- Producing statistics
- Providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of any data shared from the NDP is maintained. St. Mary's RC Primary School will not share your personal information with any third parties without your consent, unless the law allows us to do so. The school routinely shares pupils' information with:

- Pupils' destinations upon leaving the school
- The Diocese of Hexham and Newcastle
- The Local Authority
- The Department for Education

What are your rights?

Parents and pupils have the following rights in relation to the processing of their personal data. You have the right to:

- Be informed about the school's use of your personal data
- Request access to the personal data that school holds
- Request that your personal data is amended if it is inaccurate or incomplete
- Request that your personal data is erased where there is no compelling reason for it to be retained
- Request that the processing of the data is restricted
- Object to your data being processed

You also have the right to:

- Prevent processing for the purpose of direct marketing
- Object to decisions being taken by automated means
- Claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Where can you find out more information?

To find out more about the data collection requirements placed on the school by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To find out more about the National Pupil Database go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

Appendix 3

PRIVACY NOTICE – School Workforce

Privacy Notice – Data Protection Act 1998

St. Mary's RC Primary School is a data controller for the purposes of the Data Protection Act.

Personal data is held by the school / Local Authority 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 modelling 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 do so.

We are required by law to pass on some of this data to:

- the LA
- the Department for Education (DfE)

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

<https://www.newcastle.gov.uk/your-council-and-democracy/open-data-and-access-to-information/data-protection/our-data-protection-policy>

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

or contact the LA or DfE as follows

Data Protection Officer, dataprotection@newcastle.gov.uk or write to Data Protection, Civic Centre, Newcastle upon Tyne NE1 8QH.

Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT Website: www.education.gov.uk