



**Joseph Swan Academy**

**Data Protection Policy**

**2018 – 2019**

**To be reviewed September 2019**

## **Introduction**

Joseph Swan Academy needs to collect and use certain types of information about students, staff, governors and parents (the Data Subjects) who come into contact with it in order to carry on its work. This personal information must be collected and dealt with appropriately– whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this under the Data Protection Act 1998.

## **Data Controller**

Joseph Swan Academy is the Data Controller under the Act, which means that it determines what purposes personal information held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

## **Disclosure**

Joseph Swan Academy may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Joseph Swan Academy to disclose data (including sensitive data) without the data subject's consent.

These are:

1. Carrying out a legal duty or as authorised by the Secretary of State
2. Protecting vital interests of a Data Subject or other person
3. The Data Subject has already made the information public
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights
5. Monitoring for equal opportunities purposes – i.e. race, disability or religion
6. Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Joseph Swan Academy regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Joseph Swan Academy intends to ensure that personal information is treated lawfully and correctly.

To this end, Joseph Swan Academy will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes
3. Shall be adequate, relevant and not excessive in relation to those purpose(s)
4. Shall be accurate and, where necessary, kept up to date
5. Shall not be kept for longer than is necessary
6. Shall be processed in accordance with the rights of data subjects under the Act
7. Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information
8. 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 information

Joseph Swan Academy will, through appropriate management, strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information,
- Meet its legal obligations to specify the purposes for which information is used,
- Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements,
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
  - The right to be informed that processing is being undertaken,
  - The right of access to 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 information),
- Take appropriate technical and organisational security measures to safeguard personal information. Paper based personal information must be stored in locked cabinets and computer based information must be password protected.

- Ensure that personal information is not transferred abroad without suitable safeguards,
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
- Set out clear procedures for responding to requests for information.

## **Data collection**

### **Informed consent**

Informed consent is when a Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data - and then gives their consent.

Joseph Swan Academy will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Joseph Swan Academy will ensure that the Data Subject:

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

### **Data Storage**

Information and records relating to data subjects will be stored securely and will only be accessible to authorised staff. If staff wish to take student data off the Academy site they will be responsible for ensuring that such data is secure. In the case of electronic computer based data, such data must be appropriately encrypted.

Information will be stored for only as long as it is needed or required statute (minimum of 7 years) and will be disposed of appropriately. Printed information will be shredded, computer based information will be permanently deleted and computer discs containing personal information will be destroyed physically

It is the responsibility of Joseph Swan Academy to ensure all personal and Academy data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

### **Data access and accuracy**

All Data Subjects have the right to access the information Joseph Swan Academy holds about them. Joseph Swan Academy will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes on an annual basis.

In addition, Joseph Swan Academy will ensure that:

- *It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection,*
- *Everyone processing personal information understands that they are contractually responsible for following good data protection practice,*
- *Everyone processing personal information is appropriately trained to do so,*
- *Everyone processing personal information is appropriately supervised,*
- *Anybody wanting to make enquiries about handling personal information knows what to do,*
- *It deals promptly and courteously with any enquiries about handling personal information,*
- *It describes clearly how it handles personal information,*
- *It will regularly review and audit the ways it hold, manage and use personal information*
- *It regularly assesses and evaluates its methods and performance in relation to handling personal information*
- *All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them*

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact the Joseph Swan Academy Data Protection Officer (Director of eLearning).

## Appendix 1

### Key Definitions

*The following list below of definitions of the technical terms we have used and is intended to aid understanding of this policy.*

**Data Controller** – The person who (either alone or with others) decides what personal information Joseph Swan Academy will hold and how it will be held or used.

**Data Protection Act 1998** – The UK legislation that provides a framework for responsible behaviour by those using personal information.

**Data Protection Officer** – The person(s) responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act 1998

**Data Subject/Service User** – The individual whose personal information is being held or processed by Joseph Swan Academy (for example: a student, parent, employee, or governor)

**‘Explicit’ consent** – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing\* of personal information\* about her/him. Explicit consent is needed for processing sensitive\* data

\* See definition

**Notification** – Notifying the Information Commissioner about the data processing activities of Joseph Swan Academy, as certain activities may be exempt from notification.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

**Processing** – means collecting, amending, handling, storing or disclosing personal information

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within Joseph Swan Academy.

*Sensitive data – means data about:*

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal record
- Criminal proceedings relating to a data subject’s offences