

# **Buckler's Mead Academy**



## **Policy Document**

# **DATA PROTECTION POLICY**

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<p><b><i>Please note: The version of this document contained within the 'Policy Documents' Folder on BMStaff (T:\Admin\Policies and Procedures) is the only version that is maintained.</i></b></p>	

## **1. Introduction**

Bucklers Mead Academy needs to keep information about our pupils, staff and other users to allow us to follow our legal and statutory duties and to provide other services.

The school will comply with the data protection principles which are set out in the General Data Protection Regulation and other laws.

## **2. The Data Controller and the Designated Data Controllers**

The Academy, as a body, is the Data Controller.

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 available on the ICO's website.

The Academy has identified its designated Data Processing Officer (DPO) who will deal with matters detailed in appendix A.

Other day to day matters will be dealt with by The Data Protection Lead, The Headteacher, Deputy Headteacher, and the Business Manager.

## **3. Responsibilities of the Academy**

The Academy is committed to protecting and respecting the confidentiality of sensitive information relating to staff, pupils, parents and governors. This implies that:

- a) all systems that involve personal data or confidential information will be examined to see that they meet the General Data Protection Regulations;
- b) the Academy will inform all users about their rights regarding data protection;
- c) the Academy will provide training to ensure that staff know their responsibilities;
- d) the Academy will monitor its data protection and information security processes on a regular basis, changing practices if necessary.

## **4. Responsibilities of Staff**

All staff are also responsible for ensuring that any personal data they use in the process of completing their role:

- a) is not in the view of others when being used;
- b) is kept securely in a locked filing cabinet or drawer when not being used;
- c) be password protected both on a local hard drive and on a network drive that is regularly backed up;
- d) if kept on a laptop, USB memory sticks or other removable storage media, is password protected and encrypted. The device must be kept in a locked filing cabinet, drawer, or safe when not in use. The data held on these devices must be backed up regularly;
- e) is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure or transgression of the above statements will be investigated, and may result as a disciplinary matter.

## **5. Responsibilities of Parents / Guardians**

The Academy will inform Parents/Guardians of the importance of and how to make any changes or deletions to personal data. This includes an annual data collection sheet with the return of this document being recorded.

Other permissions will also be sought regarding matters of non-statutory use of personal data such as the use of images and use of names in publicity materials on induction, annually or when required. The returns to these permissions will be recorded and exemptions communicated to staff.

## **6. The right to access information**

All people having personal data stored by the Academy have the right to:

- a) obtain from the Academy confirmation as to whether personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
  - (i) the purposes of the processing;
  - (ii) the categories of personal data concerned;
  - (iii) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third parties or international organisations;
  - (iv) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
  - (v) the existence of the right to request from the Academy rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
  - (vi) the right to lodge a complaint with a supervisory authority;
  - (vii) where the personal data are not collected from the data subject, any available information as to their source;
  - (viii) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- b) know where personal data is transferred to a third party or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer.
- c) have a copy of the personal data undergoing processing. For any further copies requested by the data subject, the Academy may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
- d) obtaining a copy referred to in paragraph c) shall not adversely affect the rights and freedoms of others.

The Academy will place on its website Privacy Notices regarding the personal data held about them and the reasons for which it is processed.

All staff, parents and other users have a right to ask to view personal data being kept about them or their child called a Subject Access Request. Any person who wishes to exercise this

right should make a request in writing and submit it to the Headteacher. The process for dealing with these requests is outlined in Appendix B.

The Academy aims to comply with requests for access to personal information as quickly as possible and in compliance with advice from the Information Commissioner's Office and other professional agencies. There may be an administration charge which will be stated once the enquiry is made.

The process for dealing with Freedom of Information requests is given in Appendix D.

## **7. Data breaches**

If there is a Data Breach the Academy will inform the DPO who will then advise on any actions.

Any Data Breaches will be recorded, comprising the facts relating to the personal data breach, its effects and the remedial action taken.

If there are risk to the individual the Academy will communicate the breach to the data subjects.

In the case of a personal data breach where there is a high risk to the rights and freedoms of the data subject, the DPO shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority.

## **8. Reporting policy incidents**

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the Head teacher, in the first instance.

## **9. Monitoring and Evaluation**

This policy will be monitored and reviewed in line with the Academy's policy review procedure.

## **10. Contacts**

If you have any enquires in relation to this policy, please contact the Headteacher.

Further advice and information is available from the Information Commissioner's Office [www.ico.gov.uk](http://www.ico.gov.uk)

## **Appendix A – Role of Data Processing Officer**

According to Article 37(5), the DPO, who can be a staff member or contractor, shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in Article 39. These are:

- to inform and advise the controller or the processor and the employees who are processing personal data of their obligations pursuant to this Regulation;
- to monitor compliance with this Regulation, including the assignment of responsibilities, awareness- raising and training of staff involved in the processing operations, and the related audits;
- to provide advice where requested about the data protection impact assessment and monitor its performance pursuant to Article 35;
- to cooperate with the supervisory authority (the ICO in the UK);
- to act as the contact point for the supervisory authority on issues related to the processing of personal data.

## **Appendix B - Handling a Subject Access Request**

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.

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 for example:

- Passport
- Driving licence
- Utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

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.

The Academy may make a charge for additional copies of information requested beyond the initial request, 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.
- 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.

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. The 40 day statutory timescale still applies.

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.

If there are concerns over the disclosure of information then additional advice should be sought.

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.

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.

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.

### **Appendix C – Process for dealing with Subject Access Request or request for change or deletion of data**

On receiving a Subject Access Request or request for change or deletion of data the Academy will:

- inform the Data Protection Lead in the Academy (and the Headteacher if necessary);
- record the details of the request, updating this record where necessary;
- reply to the requestor informing receipt of the request asking for clarity if there is confusion about which data is required;
- make contact with the DPO if clarity on the request is needed or procedure is needed;
- identify the people responsible for gathering the necessary data;
- gather the data indicating a deadline;

- examine the data for redactions making sure there is no 'bleeding' of data;
- ask the requestor for an address and time for delivery.

The whole process should take no longer than 30 days, which can be extended by a further 2 months where the request is complex or where there are numerous requests.

## **Appendix D – Process for dealing with Freedom of Information Requests**

On receiving a Freedom of Information Request, which must be made in writing, the Academy will:

- inform the Data Protection Lead in the Academy (and the Headteacher if necessary);
- record the details of the request, updating this record where necessary;
- reply to the requestor informing receipt of the request asking for clarity if there is confusion about which data is required;
- decide that if the material is already published or falls within an exemption;
- contact the DPO if clarity on the request is needed or procedure is needed;
- if data is not going to be published inform the requestor why this is not being released;
- identify the people responsible for gathering the necessary data;
- gather the data indicating a deadline;
- examine the data for redactions making sure there is no 'bleeding' of data;
- ask the requestor for an address and time for delivery.

The whole process should take no longer than 20 working days.

## **Complaints**

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaints 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.

Further advice and information can be obtained from the Information Commissioner's Office



**Buckler's Mead**

ACADEMY

Ready, Respectful, Responsible

## School Privacy Notice



### What is your 'Personal Data'?

Personal data is information that says something about you as an individual, so it would normally include your name, and / or contact details, or even a photograph of you.



### What kind of information do we hold about you?

Apart from information you give us, we may also receive information about you from your previous schools, the local authority and the Department of Education (DfE).

This information will include you and your parents / guardians contact details, your assessment results, attendance information, any exclusion information, where you go after you leave us and personal characteristics such as your ethnic group and any medical conditions, special educational or dietary needs you want us to know about.

If you are aged over 14, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.

Without your consent, we will not process any personal data about you which we do not need.



### Why do we need your information?

We need to use your personal data in order to

- support your learning
- monitor and report your progress
- provide appropriate pastoral care
- provide services needed while at the school; and
- assess the quality of our service

The purpose of processing your information is to provide you with the best education we can, as well as to meet our other legal requirements.

The legal basis for using this personal data are various Acts of Parliament including the Education Act 2011, Children's Act 2004 and Equality Act 2010.

For certain 'special categories' of data (like health or ethnicity information) we rely on your consent. This means you will be asked by us if agree to us holding this information about you.

Dear Student

### **Privacy Notice - Data Protection Act 1998**

We, Buckler's Mead Academy, are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well our school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information.

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide both your and your parent's/s' name(s) and address, and any further information relevant to the support services' role. However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, address and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please inform Mrs St.Paul, the Headteacher's PA, if you wish to opt-out of this arrangement. For more information about young peoples' services, please go to the Directgov Young People page at <https://www.gov.uk/government/policies/young-people> or the LA website shown below.

***We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.***

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE). If you want to see a copy of the information about you that we hold and/or share, please contact Mrs St.Paul, the Headteacher's PA.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

<http://www.somerset.gov.uk/information-and-statistics/data-protection/> and  
<https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data/>

If you are unable to access these websites, please contact the LA or DfE as follows:

Somerset County Council  
County Hall  
Taunton  
Somerset  
TA1 4DY  
Telephone: 0300 123 2224  
Email: [generalenquiries@somerset.gov.uk](mailto:generalenquiries@somerset.gov.uk)  
DfE  
Website: [www.education.gov.uk](http://www.education.gov.uk)  
Email: [info@education.gsi.gov.uk](mailto:info@education.gsi.gov.uk)  
Telephone: 0870 000 2288.

Yours sincerely  
Sara Gorrod  
Headteacher

Dear Colleague

**Privacy Notice - Data Protection Act 1998**

We, Buckler's Mead Academy, are the Data Controller for the purposes of the Data Protection Act. Personal data is held by the school about those employed or otherwise engaged to work at the school or Local Authority. 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.***

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:

<http://www.somerset.gov.uk/information-and-statistics/data-protection/> and  
<https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data/>

If you are unable to access these websites, please contact the LA or DfE as follows:

Somerset County Council County Hall Taunton Somerset TA1 4DY  
Telephone: 0300 123 2224  
Email: [generalenquiries@somerset.gov.uk](mailto:generalenquiries@somerset.gov.uk)

DfE

Website: [www.education.gov.uk](http://www.education.gov.uk)  
Email: [info@education.gsi.gov.uk](mailto:info@education.gsi.gov.uk)  
Telephone: 0870 000 2288.

Yours sincerely  
Sara Gorrod  
Headteacher