



Archbishop Temple School

A Church of England Specialist College

DATA PROTECTION POLICY

Date Agreed : July 2016

To Be Reviewed : July 2017

Name of Policy: Data Protection

Sub-Committee Responsible: Personnel Committee

Lead Responsibility in School: Assistant Headteacher

Source of Policy: (Please tick)

- LA:**
- Diocesan:**
- School: X**
- Other – Please specify:**

PURPOSE

Archbishop Temple School recognises and accepts its responsibility as set out in the Data Protection Act 1998 (DPA). The school will take all reasonable steps to meet this responsibility and to promote good practice in the handling and use of personal information.

Archbishop Temple School needs to process certain information about its employees, pupils and other individuals with whom it has a relationship for various purposes including, but not limited to:

- The recruitment and payment of staff
- The administration of programmes of study
- The recording of a pupil's progress
- Complying with legal obligation to funding bodies and government

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 ALL 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.

SCOPE

This policy applies to all school governors, staff, pupils and any individuals about whom the school processes personal information, as well as other partners and companies with which the school undertakes business.

Archbishop Temple School as an organisation is the Data Controller, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controller will deal with the implementation of agreed policy and day to day matters. Archbishop Temple School has a designated Data Controller. In her absence, the Headteacher may be consulted.

Archbishop Temple School's designated Data Controller is the Assistant Head (Data).

This policy is to be used in conjunction with Privacy Notices, Confidentiality Policy, the Freedom of Information Publication Scheme, and the Data Protection Code of Practice.

DATA PROTECTION PRINCIPLES

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times. These state that data must be:

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection

Archbishop Temple School is committed to maintaining the above principles at all times.

Therefore the school will:

- Observe fully conditions regarding the fair collection and use of information
- Check the quality and the accuracy of the information held
- 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
- Apply strict checks to determine the length of time information is held
- 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
- Appoint a Designated Data Controller who will endeavour to ensure compliance with this policy
- Ensure staff are aware of and understand our policies and procedures
- Ensure that personal information is not transferred abroad without suitable safeguards.

Compliance

In addition, the school will take steps to ensure that:

- There is someone with specific responsibility for data protection in the organisation. At Archbishop Temple this is the Headteacher
- Everyone managing and handling personal information understands that they are contractually 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
- Anybody wanting to make enquiries about handling personal information knows what to do
- Queries about handling personal information are promptly and courteously dealt with
- Methods of handling personal information are clearly described
- A regular review and audit is made of the way personal information is managed
- Methods of handling personal information are regularly assessed and evaluated
- Performance of handling personal information is regularly assessed and evaluated
- It disseminates to employees, information on good practice in respect of handling, using and storing personal information

A copy of this policy statement will be issued to all employees. It will be reviewed annually, added to, or modified from time to time and may be supplemented in appropriate cases by further statements and procedures relating to the work of the particular groups of workers.

PROCEDURE

Process personal data fairly and lawfully

Archbishop Temple School will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

Process the data for the specific and lawful purpose for which it was collected

Archbishop Temple School will ensure that the reason for which it collected the data originally is the only reason for which it processes that data, unless the individual is informed of any additional processing before it takes place.

Ensure that the data is adequate, relevant and not excessive

Archbishop Temple School will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this mind. If any irrelevant data is given by individuals, it will be destroyed immediately. *Keep personal data accurate and, where necessary, up to date*

Archbishop Temple School will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the school if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the school to ensure that any notification regarding the change is noted and acted on.

Only keep personal data for as long as is necessary

Archbishop Temple School undertakes not to retain personal data for longer than is necessary to ensure compliance with legislation, and any other statutory requirements. This means Archbishop Temple School will undertake a regular review of the information held and ensure its timely, secure disposal.

Process personal data in accordance with the rights of the data subject under the legislation.

Individuals have various rights under the legislation including:

- a right to be told the nature of the information the school holds and any parties to whom this may be disclosed
- a right to prevent processing likely to cause damage or distress
- a right to be informed about the mechanics of any automated decision taking process that will significantly affect them
- a right not to have significant decisions that will affect them taken solely by automated process
- a right to take action to rectify, block, erase or destroy inaccurate data

Archbishop Temple School will only process personal data in accordance with individuals' rights.

Keep data secure

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Archbishop Temple School will ensure that all personal data is accessible only to those who have a valid reason for using it.

Archbishop Temple School will have in place appropriate security measures e.g.

- ensuring that hard copy personal data is kept in lockable filing cabinets/cupboards with controlled access (with the keys then held securely in a key cabinet with controlled access)
- keeping all personal data in a lockable room with key-controlled access
- password protecting personal data held electronically
- archiving personal data on disks which are then kept securely (lockable cabinet)
- placing any PCs or terminals, CCTV camera screens etc that show personal data so that they are not visible except to authorised staff.
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

This policy also applies to staff and pupils who process personal data 'off-site', e.g. when working at home, and in circumstances additional care must be taken regarding the security of the data.

Ensure that personal data is not transferred abroad without putting in place suitable safeguards

Archbishop Temple School will not transfer data to such territories without the explicit consent of the individual.

Subject Access Requests

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the school's policy is that:

- Requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

Processing subject access requests

Pupils, parents or staff may ask for a Subject Access Request, this request must be made in writing. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Pupil Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided. Archbishop Temple School may charge an administration fee of up to £10 for providing this information.

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

Certain data is exempt from the right of access under the DPA. This may include information which identifies other individuals, information which the school reasonably believes is likely to cause damage or distress, or information which is subject to legal or professional privilege. The school is also not required to disclose any examination scripts.

The school will also treat as confidential any reference given by the school for the purpose of the education, training or employment or prospective education, training or employment of any pupil. The school acknowledges that an individual may have the right to access a reference relating to them received by the school. However, such a reference will only be disclosed if such a disclosure will not identify the source of the reference or where, this referee has given their consent or if the disclosure is reasonable in all the circumstances.

Authorised disclosures

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the Archbishop Temple School may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Pupil 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.
- Only authorised and trained staff are allowed to make external disclosures of personal data.
- Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **needs to know** the information in order to do their work. The school will not disclose anything on pupils' records which would reasonably

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.

COMPLAINTS

If an individual believes this policy has not been adhered to they should in the first instance contact the Designated Data Controller. If the individual feels this has not resolved their complaint then they should utilise the school's complaint procedure.