

Inspiring each other to achieve success



Congerstone Primary School

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Data Protection Policy

Adopted from: **School Policy- based on Code of Practice**

Policy to be reviewed: **Every 3 years**

Last reviewed: **June 2015**

Signed: Date:
Chair of Governors

Name:

Signed: Date:
Headteacher

Data Protection Policy

The Data Protection Act 1998 came into force on March 1st 2000. It sets out what can and cannot be done with personal data.

Congerstone Primary School is placed under legal obligation to comply with the provisions of this Act. In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specific and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date
- Not be kept for longer than is necessary for that purpose and ensure it is disposed of appropriately when it is no longer required. (Different categories of data are required to be kept for different periods of time)
- Be kept safe from unauthorised access, accidental loss and destruction.

Congerstone Primary School and all staff or others who process or use personal information must ensure they follow these principles at all times. More detailed guidance on how to comply with these Principles can be found in the Code of Practice

The Data Controller and the Designated Data Controllers

The school as a body is the data controller under the 1998 Act and the Governors therefore ultimately responsible for implementation. However Designated Data Controllers will deal with day to day matters. The school has three Designated Data Controllers; the Headteacher, the School Bursar and the Clerical Assistant.

Any member of staff, parent or other individual who considers that the policy has not been followed in respect of personal data about him/herself or their child should raise the matter with the appropriate Designated Data Controller; the Headteacher.

The Headteacher is responsible for ensuring that the school's notification is kept accurate. Details of the school's notification can be found on the Office of the Information Commissioner's website www.informationcommissioner.gov.uk

Responsibilities of staff

All staff are responsible for

- Checking that any information they provide to school in connection with their employment is accurate
- Informing school of any changes to information they have provided e.g change of address, either at the time of appointment or subsequently. The school cannot be held responsible for any errors unless the staff member has informed school of such changes.

Data security

All staff are responsible for ensuring that;

- Any personal data they hold is kept safely
- Personal information 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 will usually be a disciplinary matter and may, in some cases, be considered gross misconduct.

Personal data/information should;

- Be kept in a locked filing cabinet, drawer or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and

- If a copy is kept on a removable storage media, that media must itself be encrypted.

Rights to access

All staff, parents and other users are entitled to;

- Know what information the school holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what school is doing to comply with its obligations under the 1998 Act.

In order to inform parents, and fulfil the above, once a year parents are issued with our ‘Privacy Notice - Data protection Act 1998’ statement.

All staff, parents and other users have the right under the 1998 Act to access certain personal data about them or their child on computer or certain files. Any person who wishes to exercise this right should complete the *Subject Access Request* form and submit it to the Designated Data Controller. School will make a £10 charge on each occasion, although school has discretion to waive this. School aims to comply with requests as quickly as possible, but will ensure that it is provided within 40 days as required by the Act.

In many cases a school can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined by the 1998 Act, express consent must be obtained (see below).

Agreement to school processing some specified classes of information may be a condition of employment e.g information about previous criminal convictions. School also has a duty under the Children Act 1989 to ensure staff are suitable for the job and do not pose a threat or danger to other users. Therefore school may ask for information about certain health needs, such as asthma and diabetes. The school will only use this information in the protection of health and safety of the individual, but will need consent to process this data, for example in the event of a medical emergency.

Processing sensitive information

Sometimes it is necessary to process information about a person’s health, criminal convictions or race. This may be to ensure that school is a safe place for everyone, or to operate other school policies/procedure such as the Equal opportunities Policy or sick pay. As this information is considered sensitive under the 1998 Act, staff (and students where appropriate) will be asked to give their express consent for the school to process this data. An offer of employment may be withdrawn if an individual refuses consent to this without good reason.

Conclusion

This policy does not form part of the contract of employment for staff, but compliance with the 1998 Act is the responsibility of all members of the school and it is a condition of employment that employees will abide by school rules and policies Any deliberate breach of the Data Protection Act may lead to disciplinary action being taken, or even to a criminal prosecution.

Links to other policies

Safe use of the internet Policy

Policy for children’s images, cameras and mobile phones

Freedom of information policy

PRIVACY NOTICE Data Protection Act 1998

School Workforce: those employed or otherwise engaged to work at Congerstone Primary School

We (Congerstone Primary School) are the 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 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 modeling and planning;
- Enabling ethnicity and disability monitoring; and
- Supporting the work of the School Teachers' Review 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 http://www.leics.gov.uk/data_protection
- 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.gov.uk/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:

- http://www.leics.gov.uk/data_protection
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Website: <https://www.gov.uk/government/organisations/department-for-education>

Email: info@education.gsi.gov.uk

Telephone: 0370 000 2288.

PRIVACY NOTICE Data Protection Act 1998

For Congerstone Primary School

*Pupils in Schools, Alternative Provision and Pupil Referral Units
and Children in Early Years Settings*

We (**Congerstone Primary School**) are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information.

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

We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education.

If you want to receive a copy of the information about you that we hold or share, please contact one of the designated data controllers- the Headteacher, the School Office Bursar or the Office Administrator
If you need more information about how the LA and DfE store and use your information, then please go to the following websites:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you cannot access these websites, please contact the LA or DfE as follows:

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