



Policy Statements and Procedures

DATA PROTECTION POLICY

This document is a statement of the aims and principles of the School, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents, guardians, carers, governors and directors. It should be read in conjunction with the Fair Processing Notice and other associated policies.

Introduction

The Rosedale Hewens Academy Trust on behalf of Hewens Primary is required to maintain certain information about its employees, pupils and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Hewens Primary must comply with the Data Protection principles which are set out in the Data Protection Act 1998 (the 1998 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
- Obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- Adequate, relevant and not excessive for that purpose
- Accurate and kept up to date
- Kept no longer than is necessary for that purpose
- Processed in accordance with the data subject's rights
- Kept safe from unauthorised access, accidental loss or destruction. the School and all staff or others who process or use personal information must ensure that they follow these principles at all times

Status of this Policy

Although this policy does not form part of the contract of employment for staff, but it is a condition in that employees will abide by the rules and policies made by the Trust and School from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers

The Trust as a body corporate is the Data Controller under the 1998 Act, and the Academy Board is therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters. The Trust has Designated Data Controllers; Chief Executive, Executive Principal, Executive Headteacher, Principal Administrative Officer and Principal Finance Officer.

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 appropriate controller.

Responsibilities of Staff

All staff members of staff are responsible for:

- Checking that any information that they provide to the School in connection with their employment is accurate and up to date.

- Informing the School of any changes to information that 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 the School of such changes.
- If and when, as part of their responsibilities, staff collect information about other people (e.g. about work, opinions, ability, references, or details of personal circumstances), they must comply with the guidelines for staff set out in the Schools Data Protection Code of Practice.

Data Security

All members of staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- 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 be considered gross misconduct in some cases.

Personal 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 retained, the media must itself be secured.

Rights to Access Information

All staff, parents, guardians, carers 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 the School is doing to comply with its obligations under the 1998 Act.

This Policy document and the School's Data Protection Code of Practice address in particular the last three points above. To address the first point, the School will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the School holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should contact the Designated Data Controller. The Trust may make a charge of £10 on each occasion that access is requested, although the School has discretion to waive this. The Trust aims to comply with requests for access to personal information as quickly as possible, but will seek to provide this within 40 days, as required by the 1998 Act.

Subject Consent

In many cases, the School can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to processing some specified classes of personal data is a condition of acceptance of employment for staff. This includes information about previous criminal convictions. The Trust has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The School has a duty of care to all staff and pupils and must therefore make sure that employees and those who use School facilities do not pose a threat or danger to other users. The School may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The School will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

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 the School is a safe place for everyone, or to operate other policies. Because this information is considered **sensitive** under the 1998 Act, staff (and students where appropriate) will be asked to give their express consent to process this data.

Publication of School Information

Certain items of information relating to School staff will be made available via searchable directories on the public website, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the School.

Data Transfer

All children's CTF files are sent through a secure website (s2s). Any sensitive information that needs to be sent and/or received from the local authority, passes through the LGfL (using a USO-FX system) or through the DfE website that ensures it is properly transmitted through another a secure route to a particular department (e.g. SATs results and School Census data).

Retention of Data

The Trust has a duty to retain some staff and pupil personal data for a period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of staff. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.