

'Love your neighbour as yourself.' There is no commandment greater than this.

Mark 12: Verse 31



Data Protection Policy

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Introduction

At All Saints Academy our vision is “Living Well Together with **Dignity, Faith and Hope**”. We aspire to take dignified decisions and afford dignity to all members of our community, regardless of background or circumstance. Our position as a Voluntary Aided Church Academy means that the Christian faith has a central role in all of our actions and decisions. We strive for excellence in all that we do, enabling our students to transform their lives and to hope for happy and successful futures.

Our vision translates into our everyday practice. The values of **Dignity, Faith and Hope** are particularly relevant in ensuring all in our community are encouraged to strive for excellence through service to others. This policy exists to provide a framework for supporting our stated aim of “*Living Well Together with Dignity, Faith and Hope*”, and this translates into our everyday practice. **Living Well Together** includes ensuring the welfare of young people, and through the general ethos of the academy, we will seek to persuade students in need of support to come forward. This will be promoted through the PSHCE curriculum, assemblies and tutor time.

Our vision translates into our everyday practice. The values of **Dignity, Faith and Hope** are particularly relevant in ensuring ICT in the 21st Century is seen as an essential resource to support learning and teaching, as well as playing an important role in the everyday lives of children, young people and adults. Consequently, schools need to build in the use of these technologies in order to arm our young people with the skills to access life-long learning and employment.

To function properly the academy needs to collect and use certain types of information about staff, students and other individuals who come into contact with the academy. We are also obliged to collect and use data to fulfil our obligations to the LA, DfE and other bodies. This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this in the Data Protection Act 1998.

We regard the lawful and correct treatment of personal information as very important to successful operations, and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organisation treats personal information lawfully and correctly.

Purpose

As we strive for excellence we must also engender trust that the organisation adheres to policy. This policy is intended to ensure that we adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

- shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
- shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes
- shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
- shall be accurate and, where necessary, kept up to date
- shall not be kept for longer than is necessary for that purpose or those purposes
- shall be processed in accordance with the rights of data subjects under the Act

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- appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
- 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 data

Organisation

Within academy we will, through appropriate management, apply 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 operational needs or to comply with any legal requirements
- ensure the quality of information used
- apply strict checks to determine the length of time information is held
- 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). See Appendix 1
- take appropriate technical and organisational security measures to safeguard personal information
- 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

We will also ensure that:

- there is someone with specific responsibility for Data Protection within the academy (Data Manager)
- 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 held, managed and used
- methods of handling personal information are regularly assessed and evaluated
- performance with handling personal information is regularly assessed and evaluated
- a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against the members of staff concerned

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves.

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If parents want to request to access the personal data held about their child, they should contact the academy in writing. A request from any data subject will be considered as a Subject Access Request and the academy will respond within the required 40-day deadline.

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. This policy should be read in conjunction with the Freedom of Information Act Policy and IT Use Policy.

Contacts

If you have any enquires in relation to this policy, please contact the Data Manager who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner’s Office, <https://ico.org.uk/> or telephone 0303 123 1113

APPENDIX 1: PROCEDURES FOR RESPONDING TO SUBJECT REQUESTS MADE UNDER THE DATA PROTECTION ACT 1998

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Responding to a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Data Manager. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. 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 production of:
 - passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
 - Credit Card or Mortgage statement
 - This list is not exhaustive.
3. 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 Data Manager 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.
4. The academy may make a charge for the provision of information, 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, the organisation 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 Principal.
5. The response time for subject access requests, once officially received, is 40 days (not working or academy days but calendar days, irrespective of academy holiday periods).

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However, the 40 days will not commence until after receipt of fees or clarification of information sought.

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school/academy. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.
8. 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.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. 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.
11. 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.
12. 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.

Complaints

Complaints about the above procedures should be made to the Managing Director who will decide whether it is appropriate for the complaint to be dealt with in accordance with the academy’s complaint procedure.

Complaints which are not appropriate to be dealt with through the academy’s complaint procedure can be dealt with by the Information Commissioner.

Contact details of both will be provided with the disclosure information.

Further advice and information is available from the Information Commissioner’s Office, <https://ico.org.uk/> or telephone 0303 123 1113