



Data Protection Policy

Introduction

Leftwich Community Primary School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

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 then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on. Appendix 5.

Aims

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 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.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

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

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful

- purposes;
3. Personal data shall be adequate, relevant and not excessive;
 4. Personal data shall be accurate and where necessary, kept up to date;
 5. Personal data processed for any purpose shall not be kept for longer than is necessary;
 6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
 7. Personal data shall be kept secure;
 8. Personal data shall not be transferred to other countries without adequate protection.

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- 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
- 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
- Ensure our staff are aware of and understand our policies and procedures

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Head teacher, or nominated representative.

Contacts

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

Records Management/Security & Control of Information

If you breach any aspect of the Data Protection policy you must report it immediately to the Head teacher or Deputy Head teacher in her absence. Appendix 4.

The school recognises that the efficient management of its records and information is necessary to comply with its legal and regulatory obligations to contribute to the effective overall management of the school.

- The school will ensure that records are managed in line with the guidance in the CWAC Schools Information Governance Manual
- The school will use the Cheshire West and Chester Councils Record and Retention and Disposal Schedule and will ensure records are retained for the appropriate period and no longer, unless there are special reasons for doing so. (A copy of the CWAC Retention Schedule can be located in the School Office). The school will ensure that CWAC is informed of any new records created or of records held by the school which do not appear in the Retention Schedule.
- The school will ensure that records are held safely and securely with access restricted where appropriate, and in line with the guidelines in security and access in the CWAC Schools Information Governance Manual.
- The school will ensure that use of Email is properly controlled in line with the guidance in the CWAC Schools Information Governance Manual
- The school will ensure that use of the Internet is properly controlled in line with the guidance in the CWAC Schools Information Governance Manual
- The school will periodically review and monitor its records management systems to ensure standards, procedures, guidelines and security measures are in place and that records are held no longer than necessary

Training

The school will ensure that appropriate guidance and training is given to the relevant staff, governors and other authorised school users in handling requests, records management, security and access to information, using Emails and the Internet and protocols will be shared. Once shared, it is the staff's responsibility to adhere to them.

This policy should be read in conjunction with our Acceptable Use Policy for ICT and our Homeworking Policy.

Further advice and information is available from the Information
Commissioner's Office, www.ico.gov.uk or telephone 01625 545745 3

Appendix 1

Procedures for responding to subject access requests made under the Data Protection Act 1998.

Subject Access Requests

1. Requests for information must be made in writing; which includes email, and be addressed to Mrs L Guy, the Headteacher. 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, although this is only a guide) 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.

4. The school may make a charge for the provision of information, dependant upon the following:

- 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.

5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). 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. 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 Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint 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.

Appendix 2

Requests for information from agencies (Police, Health Authorities, Social Care etc.)

The agency concerned must make their request in writing and give full details of the information they require and why they need it.

Any information forwarded to an agency will be recorded by the school in full, detailing:

- who the information was sent to,
- how it was sent,

- exactly what information was sent,
- why the agency want this information,
- date the information as sent.

Unless there is a Court Order to request this information, it is at the Headteacher's discretion as to whether this information is offered.

Appendix 3

Sharing information with another school

All requests for the transfer of information from our school to another school must be made through the school office or a member of the Senior Leadership Team. A 'Transfer of Information' sheet must be completed and then signed for by the other school, with a copy kept in the Data Protection file in the school office.

Appendix 4

Breach of Information

1. Contain the breach as soon as possible
 - change user names/passwords
 - find out who did it and when
 - take the person off the premises, restrict access to IT systems and school building
 - verbal warning if appropriate
 - written warning if appropriate
2. Headteacher to assess what damage has been done and the possible impact it will have
 - investigate the extent of the breach
 - recover the data
3. Headteacher to decide whether to notify
 - Other staff
 - HR / Local Authority
 - Governors
 - Parent
 - Family Support Worker
 - Social Worker
 - Police
 - School Nurses

If we do not tell the parent, or any outside bodies we have to justify this decision in writing with regards to level of impact.

4. Evaluate the breach

- Headteacher to lead the media strategy
- Action to prevent recurrence

Appendix 5

CWAC Fair processing notice for parents / staff – attached

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact Mrs L Guy, Head teacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk

Signed:

Position:

Date:

Date of Review: