



**Astbury St Mary's Primary School**

# Data Protection Policy

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## Contents

1. Introduction.....	3
2. Data Controller .....	3
3. Responsibilities of Staff.....	3
4. Data Security.....	4
5. Rights to Access Information .....	4
6. Equal Opportunities Monitoring.....	6
7. Monitoring the Use of Electronic Communications .....	6
Appendix 1 .....	7
Appendix 2 .....	8
Appendix 3 .....	9

## 1. Introduction

The academies in CDAT hold information on students in order to run the education system. In doing so the schools/academies in CDAT have to follow the Data Protection Act 1998. Data held about students has to be used for specific purposes, allowed by law.

CDAT and its academies hold information about staff in its employment records in order to perform key tasks e.g. recruitment, performance monitoring, recording absence and health and safety matters. CDAT has to comply with the Data Protection Act, 1998 to ensure it is collected and used fairly, stored safely and not disclosed to other persons unlawfully. To do this CDAT must ensure that personal data will be:

- Processed fairly and lawfully
- Processed for limited purposes
- Adequate, relevant and not excessive for that purpose
- Accurate and up to date
- Kept for no longer than necessary
- Processed in accordance with the data subject rights
- Protected by appropriate security
- Not transferred without adequate protection

This policy aims:

- To implement the provisions of the data protection legislation for pupils/students and staff;
- To set out the responsibilities of the Data Controller; and
- To set out the procedure for storing, making secure and providing information.

## 2. Data Controller

CDAT is the corporate body registered with the Information Commissioners' Office as a Data Controller under the 1998 Act and the Board of Directors is ultimately responsible for implementation. However, each of the schools/academies within CDAT is named on the registration and the Board of Directors has delegated the responsibility of data controller to the headteacher/principal of each of the academies to deal with day to day matters. He/she is responsible for:

- Implementing any policies developed by CDAT regarding data protection;
- Ensuring safe and confidential systems are in place in the academy;
- Providing information to bodies entitled to receive information; and
- Providing relevant information about a student's progress to his/her parents (In this policy statement, "parents" means all those having a parental responsibility for a child).

## 3. Responsibilities of Staff

CDAT requires all its employees who process or use any personal information to comply fully with its Data Protection Policy and the principles of the Data Protection Act. Disciplinary action may be taken against any employee who breaches any of the instructions or procedures following from the Policy.

CDAT will hold the minimum personal data necessary to enable it to perform its key tasks and the data should be erased once the need to hold it has passed. The CEO (or their nominated person) will be responsible for ensuring this is undertaken. CDAT will retain some information longer than other information (see Appendix 1 for guidelines regarding retention periods). Every effort will be made to ensure that data is up to date and inaccuracies will be corrected without undue delay. Personal data must be treated as confidential and disclosures of data must be in accordance with the provisions of the Act and this policy. Employees are responsible for:

- Ensuring any information they provide to CDAT and the school/academy in which they are based in connection with their employment is accurate and up to date;
- Informing CDAT and the school/academy in which they are based of any changes to information they have previously provided e.g. changes of address;
- Checking the information that CDAT and the school/academy in which they are based will send out from time to time giving details of information held and processed;
- Informing CDAT and the academy/school in which they are based of any errors or changes.

If and when employees, as part of their responsibilities, collect, access and process information for employment records they must comply with the Guidelines for Data Protection see Appendix 2.

Staff must bear in mind that information retained by them in records and/or mark books is not confidential. Students and their parents are entitled to know what is kept on file about the student (and/or about the parent(s)).

Medical information and matters concerning child protection will be kept in a confidential file and will be supplied to relevant authorities where the headteacher/principal deems it appropriate (e.g. police or social services). Only the Headteacher and staff authorised by the headteacher/principal may have access to this file.

## 4. Data Security

Personal information should be kept in a locked filing cabinet or stored in a secure folder with restricted access on the school/academy's computer network.

All employees are responsible for ensuring that:

- Any personal data which they have is kept secure particularly if taking data off site on laptop computers or files;
- Laptops/USB sticks must be encrypted and password protected and the files backed up on the Network;
- Personal information is not disclosed either orally or in writing deliberately or accidentally or otherwise to any unauthorised third party;
- No personal information is given to a third party over the telephone. All requests should be confirmed in writing and replied to in writing.

Employees should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases. It may also result in a personal liability for the individual employee.

## 5. Rights to Access Information

### General Requests for Information

The school/academy will provide information to persons and bodies prescribed by regulation. The headteacher/principal will determine what confidential information will be released to relevant persons permitted to receive this information by law.

All requests for information about students must go to the headteacher/principal, who will determine whether it is lawful and appropriate to release the information. Members of staff who receive personal requests for references or other information about current or past students must inform the headteacher/principal before providing the information to ensure that they are acting within the law and official guidance.

### Information to Parents

The school/academy will provide parents with an annual report on their child's progress and may also provide parents with a report on their child's progress at other points in the year as part of their tracking process or if requested by the parent.

The school/academy will provide any information about their child that is kept on file on request by a parent. The procedure to be observed by parents and the academy is as follows:

- the parent makes a written request to the headteacher/principal to see their child's personal data;
- the headteacher/principal authorises the request once satisfied that the person requesting the information is the parent;
- the headteacher/principal informs the member of staff with responsibility for student records of the request;
- the member of staff responsible for student records passes the requested information to the headteacher/principal or other nominated member of staff. If additional information stored electronically is requested, the member of staff with responsibility for student records will liaise with the relevant member of staff;
- the headteacher/principal or nominated member of staff will contact the parent and make the personal data available for viewing on the school/academy premises. The original information must remain within the school/academy.

The above process should take no longer than 48 hours of a working week when the school/academy is in session. A member of the Senior Leadership Team will deputise where the headteacher/principal is absent and inform all relevant parties of the request and action taken.

### **Provision of Information to External Organisations**

Information relating to students' academic achievements and progress must be published annually to the DfE, in line with current DfE requirements.

Any other academic data relating to past or present students used for any purpose outside of the school/academy must be presented in an anonymous format.

Sensitive personal information about past or present students must only be disclosed to external agencies acting for and on behalf of individual students or their parents. This may include some of the following agencies and professionals:

- Social Services
- Educational psychologists
- Medical professionals
- Education Support Services
- Police
- Youth Inclusion Team

Parental permission must normally be sought prior to involving outside agencies. Exceptions to this rule will include matters relating to Child Protection (which should only be referred through the school/academy's Child Protection Officer) and information relating to criminal activity.

Medical emergency procedures will take account of prior information collected from medical forms completed by parents. In cases of medical emergency, parents must be notified of any action taken without delay.

Under no circumstance must personal information about a student be passed on to representatives of the Media. No information about students will be provided to marketing companies, unless the parent of the student concerned has given written permission.

### **Personal information for use within the Academy**

There will be a need for relevant employed staff, contracted staff or volunteers working within the school/academy to be informed of individual student information both for academic and pastoral reasons.

Academic data will be available for all teaching and support staff to enable them to plan and set targets effectively. Teaching staff will discuss individual achievement data with the individual concerned and their parents. However, the unnecessary publication of individual achievement data with groups of students should be avoided.

Some members of staff will need to have an overview both of achievement data and personal information data and should discuss progress with the individual student and parents, as appropriate. They should also inform relevant teaching and support staff of individual personal data if it is deemed necessary to ensure that the student is taught and catered for appropriately.

Personal information regarding individual students should not be discussed with members of the public by anyone working in the school/academy.

All teaching and support staff should be notified of any medical information relating to students at the start of each academic year or on admission during the year.

### **Employee Access to Personal Information**

Employees have the right to access the information held on their employment record and anyone who wishes to exercise this right should complete the Subject Access Form (see Appendix 3) and give it to their Office/Business Manager. The school/academy will not charge a fee for the access request.

The school/academy will comply with the request as soon as possible but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases the reason for the delay will be explained in writing to the employee making the request.

## **6. Equal Opportunities Monitoring**

Information for the purposes of equal opportunity monitoring of students is periodically required by the government. This is sensitive personal data, and the information should be kept to a minimum, and as far as possible in an anonymous form. In implementing this policy, the headteacher/principal and all members of staff must take into account CDAT's equal opportunity policies. Staff must ensure that no student is disadvantaged on the grounds of gender, race, disability, sexual orientation, age, religion or belief.

## **7. Monitoring the Use of Electronic Communications**

The school/academy aims not to intrude into the private lives of staff or students but reserves the right to monitor the use of academy computers, video and audio machines, phones and fax machines and will keep appropriate records, which can be accessed on request to the Headteacher (or the senior member of staff authorised by the headteacher/principal).

## Appendix 1

### Retention of Data

Personal information should not be retained on the employment record for any longer than is necessary for the purpose required but equally it should not be discarded if doing so renders the record inadequate.

#### Retention Timescales

Application Form	7 years from end of employment
References received	7 years from end of employment
Payroll and Tax information	7 years from end of employment
Annual Leave record	
Unpaid / Special Leave record	7 years from end of employment
Sickness records	7 years from end of employment
Annual Appraisal record	7 years from end of employment
Records relating to promotion, training	7 years from end of employment
Disciplinary record:	
Informal Written Advice	Between 6 months and 1 year
First Warning	Between 6 months and 1 year
Final Written Warning	Between 1 year and 18 months
References given	7 years from end of employment
Summary Record of Service	10 years from end of employment
Accident record at work	12 years
Injury at work record	12 years

These timescales can be extended where there is a **justified business reason** for doing so not merely that it might be useful to hold such documentation.

**Application forms and other associated documentation within the Code of Practice for Recruitment and Selection of unsuccessful candidates for jobs should be destroyed after 6 months unless subject to challenge.**

Data cannot be processed unless the person submitting the data knows who is the Data Controller and to what purpose the information is to be used therefore, before processing any personal information consider:

- Has the employee been informed that CDAT is the Data Controller?
- Has the employee been informed of the use(s) the school/academy/CDAT intends to make of the data?
- Is it really necessary to record the information?
- Is the information standard or sensitive?
- If sensitive, do you have the employee's explicit consent to process or does Schedule 3 of the Data Protection Act apply?
- Has the employee been informed that this type of sensitive data will be processed?
- Are you authorised to collect/store the data?
- Have you checked with the employee that the information is accurate?
- If not has the employee been allowed to amend the information?
- Are you sure the information is secure?
- Are you sure the subject access request comes from the employee whose file it is?
- Do you have the employee's consent to disclose the information to a third party?

**Do not disclose any information from which a third party can be identified unless they have given consent to the disclosure.**

**Do not disclose information to a third party over the telephone always insist on any request being put in writing.**

### Subject Access Request Form

Under the terms of the Data Protection Act, employees are entitled to request details of information held in their employment record. CDAT needs to be assured of the employee's identity before the information is released. To assist us to provide the information you require, please complete the form and return to your school/academy or CDAT as appropriate.

Surname:

Forename:

Payroll No:

I wish to have access to either [tick as appropriate]

All the information held in my employment record

The following data held in my employment record

- Personal details (Name, address etc)
- 
- References given
- 
- Disciplinary records
- 
- Sickness records
- 
- Trade Union information
- 
- Appraisal record

Signed:

Dated: