



# Durrington High School

## Data Protection Policy

Durrington High School as part of the Durrington Multi Academy Trust 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 Privacy Notice to all pupils/parents, this summarises the information held on pupils, why it is held and who it could potentially be shared with.

### **Purpose**

This policy is intended to ensure that all personal information in whatever form, from the point of collection to destruction, is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. All staff involved with the collection, processing and disclosure of personal data are expected to comply fully with this Policy. Disciplinary action may be taken against any employee who fails to comply.

### **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 any 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 for that purpose or those purposes;
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 i.e. protected by an appropriate degree of security;
8. 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 data protection.

### **General Statement**

Durrington High School is committed to maintaining the above principles at all times on the school site and when working remotely in line with the ICT Acceptable Use Policy and Code of Conduct. In the case of requests for a copy of a student's school record/file the request from a parent/carer can only be met where the student has also consented to the request in writing.

Therefore the school will:

- Inform individuals why the information is being collected at the time of collection
- Inform individuals when their information is shared, and why and with whom it was shared.
  - Occasionally, and in the only in the best interests of the student's well-being and on-going support we will share information about an individual student with another professional/outside agency. On these occasions we will share what we professionally judge to be the minimum information necessary in relation to the student and always ensure that the recipient agrees to keep the information confidential.
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that personal data 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 receive appropriate training and understand this policy and procedures for managing and disposing of data.
- Ensure a named individual will be responsible for data protection matters.
- Ensure all staff are aware that it is their responsibility to report potential data security breaches to the named individual.
- Comply with its ICT/Acceptable use policy and Code of Conduct.

### **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 Headteacher, or nominated representative.

### **Contacts**

If you have any enquires in relation to this policy, please contact [jkentfield@durring.com](mailto:jkentfield@durring.com) who will also act as the contact point for any subject access requests. The named individual for Data Protection relating to employment matters is Mrs J Kentfield and all matters relating to students of the school is Mr C Woodcock.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745 3

## **Appendix 1**

### **Durrington High School**

Procedures for responding to subject access 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.

### **Actioning a data request**

1. Requests for information must be made in writing; which includes email, and be addressed to Sue Marooney 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) 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. 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. Durrington High School 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 administrative work involved.
- 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 and clarification of subsequent information sought by the school are gained.

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 the school judges may cause serious harm to the physical or mental health or emotional condition of the pupil or another is unlikely to be disclosed, neither is 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 Chair 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.

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