



Data Protection Policy

Orchard 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 Privacy 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 (see Appendix).

Purpose

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 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

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 Headteacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact Hoosen Randeree (Headteacher) 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, www.ico.gov.uk or telephone 01625 545745 3

Date policy agreed: Wednesday, 8th March 2017

Review date: Spring Term 2018

Appendix 1

Orchard 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 subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Hoosen Randeree (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. The 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 dependant upon the number of pages provided.
- 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.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact Hoosen Randeree (Headteacher).

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

ACCESS TO PERSONAL DATA REQUEST DATA PROTECTION ACT 1998 Section 7.

Enquirer's Surname..... Enquirer's Forenames.....
Address

.....

..... Postcode

Telephone Number

Are you the person who is the subject of the records you are enquiring about YES / NO
(i.e. the "Data Subject")?

If NO,
Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about? YES / NO

If YES,

Name of child or children about whose personal data records you are enquiring

.....

.....

Description of Concern / Area of Concern

Description of Information or Topic(s) Requested in your own words)

Additional information.

Please despatch Reply to: *(if different from enquirer's details as stated on this form)*

Name

Address

Postcode

DATA SUBJECT DECLARATION

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent)

Name of "Data Subject" (or Subject's Parent) (PRINT)

Date

Appendix 2

PRIVACY NOTICE

Pupils in Schools, Alternative Provision and Pupil Referral Units and children in Early Years Settings

Privacy Notice - Data Protection Act 1998

We **Orchard Primary School** are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information ¹ and personal characteristics such as your ethnic group, special educational needs and any relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some of your information to the Local Authority and the Department for Education (DfE)

If you want to see a copy of the information we hold and share about you then please contact **Jamshed Malik (Senior Admin Officer)**

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

<http://www.lambeth.gov.uk/NR/rdonlyres/1049CD3A-8412-4BB2-B085-4F98C321CBB8/0/LAhowweusedata.pdf> ²

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/>

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/thirdpartyorgs/>

If you are unable to access these websites, please contact the LA or DfE as follows:

- Feyisa Demie, Head of Research and Statistics
Research and Statistics Unit
6th Floor International House, Canterbury Crescent, Brixton SW9 7QE
e-mail: fdemie@lambeth.gov.uk
tel: 0207 926 9664
- Public Communications Unit
Department for Education
Sanctuary Buildings, Great Smith Street, London SW1P 3BT
Website: www.education.gov.uk
email: info@education.gsi.gov.uk
Telephone: 0870 000 2288

¹ Attendance is not collected for pupils under 5 at Early Years Settings or Maintained Schools

² Local Authority to provide link to their website with info on uses they make of data and any other organisations they share data with such as Connexions. Ideally they should also provide an address where parents without internet access can write for information.

PRIVACY NOTICE

School Workforce: those employed or otherwise engaged to work at a school or the Local Authority

Privacy Notice - Data Protection Act 1998

We Orchard Primary School are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school about those employed or otherwise engaged to work at the school or Local Authority. This is to assist in the smooth running of the school and/or enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of school workforce data across the sector;
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- Informing the development of recruitment and retention policies;
- Allowing better financial modeling and planning;
- Enabling ethnicity and disability monitoring; and
- Supporting the work of the School Teacher Review Body and the School Support Staff Negotiating Body.

This personal data includes some or all of the following - identifiers such as name and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

We will not give information about you to anyone outside the school or Local Authority (LA) without your consent unless the law and our rules allow us to.

We are required by law to pass on some of this data to:

- the LA
- the Department for Education (DfE)

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

- <http://www.lambeth.gov.uk/NR/rdonlyres/1049CD3A-8412-4BB2-B085-4F98C321CBB8/0/LAhowweusedata.pdf> and
- <http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/workforcedata/>

If you are unable to access these websites, please contact the LA or DfE as follows:

- Feyisa Demie, Head of Research and Statistics
Research and Statistics Unit
6th Floor International House, Canterbury Crescent
Brixton SW9 7QE
e-mail: fdemie@lambeth.gov.uk
tel: 0207 926 9664
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Website: www.education.gov.uk
Email: info@education.gsi.gov.uk
Telephone: 0870 000 2288.