

St Luke Academies Trust



Data Protection Policy

Our Lady of Walsingham



Presented to Directors: 21st March 2016

Adopted by Directors: 21st March 2016

Review date: March 2018



Our Vision

The vision of St Luke Academies Trust is to develop each of its schools as welcoming and inclusive communities, where faith is nurtured, excellence in learning is achieved and pupils are inspired to serve others, following the example of Jesus.

We aspire to follow the Church's mission; to make Christ known to all people, placing Christ and the teaching of the Catholic Church at the centre of people's lives.

The expectation of the Trust Board is that the work of all members of St Luke Academies Trust is based on trust, collaboration and respect, with all members and their contributions equally valued.

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1. Introduction

St Luke Academies Trust collects and uses personal information about staff, pupils, parents and other individuals who come into contact with its schools. This information is gathered in order to enable it to provide education, training and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that schools comply with their 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. The Trust completes this registration on behalf of its schools. 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, summarising the information held on pupils, why it is held and the other parties to whom it may be passed on. (See Appendix 1 for the Fair Processing Notice which is issued when pupils join the school and can be found on the school website at www.ourladys.co.uk)

The school should make staff aware of the information held on them, why it is held and the other parties to whom it may be passed on. (See Appendix 2 for the information issued to staff.)

2. 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. These guidelines inform all staff involved with the collection, processing and disclosure of personal data of their duties and responsibilities.

3. 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.

4. 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.

5. General Statement

The Academy Trust is committed to maintaining the above principles at all times. Therefore it will and expects its schools to:

- 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;
- Monitor the quality and the accuracy of the information it holds;
- Ensure that information is not retained for longer than is necessary;
- Ensure that when information becomes obsolete it is destroyed 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;
- Make every effort to ensure that its staff are aware of and understand its policies and procedures.

6. Complaints

Complaints relating to information handling will be dealt with through the Trust's complaints procedure, adopted by schools, in the first instance and may be referred to the Information Commissioner (the statutory regulator).

7. Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

8. Contacts

If you have any enquires in relation to this policy, please contact the Head Teacher

The Head Teacher 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 telephone 0303 123 1113.

Appendix 1: Fair Processing Notice

For all parents and carers whose children attend schools within St Luke Academies Trust.

Our Lady's collects and processes personal data about its pupils and is a "data controller" in respect of this for the purposes of the Data Protection Act 1998.

The school processes this data to:

- support its pupils' teaching and learning;
- monitor and report on their progress;
- provide appropriate pastoral care, and
- assess how well the school as a whole is doing.

This data includes contact details, assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

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

- The Local Authority
- The Department for Education (DfE)

We will not give information to anyone outside the school without parents' consent unless the law requires us to.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any data controller. A parent would normally be expected to make a request on a child's behalf if the child does not have sufficient understanding to do so.

If you would like further information, or if you wish to access your personal data, or that of your child, then please contact the school in writing.

Appendix 2: Privacy Notice

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

Privacy Notice – Data Protection Act 1998

St Luke Academies Trust is the Data Controller for the purposes of the Data Protection Act for Trust employees. Our Lady's is a "data controller" in respect of this for school employees.

Personal data is held by the Trust and its schools about those employed or otherwise engaged to work within the Trust and its schools. This is to assist in the smooth running of the schools 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 work force and how it is deployed to be built up;
- informing the development of recruitment and retention policies;
- allowing better financial modelling and planning;
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teacher Review Body and the School Support Staff Negotiating Body.

The 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 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 Local Authority
- 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 website:

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/a0077963/what-thedepartment-doe-with-school-workforce-data>

If you are unable to access this website, please contact the DfE as follows:

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: 0370 000 2288

Appendix 3: 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. Where a pupil cannot act for themselves or gives permission, parents are able to access information on their behalf.
2. The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (England) Regulations 2005. These regulations do not apply to academies; the Headteacher will therefore have discretion to respond to any relevant request.

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

Staff may also use these procedures to request information held about them.

Actioning a subject access request

1. Requests for information must be made in writing (including email) and be addressed to the Head Teacher
If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the person making the request must be established before the disclosure of any information. Checks may 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 statementThis 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 and the nature of the request. Where possible, 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 dependent 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 from the third party. 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 Chair of Governors who will decide whether it is appropriate for the complaint to be dealt with in accordance with the complaint procedure.

Complaints which are not appropriate to be dealt with through the Academy Trust's complaints 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 the Head Teacher Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113.