

	<b>The Duston School</b>  <b>Policy</b>	
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<b>Policy Title</b>	Data Protection Policy	<b>Version No</b>	1
<b>Rationale</b>	The Duston School is a 4-19 mixed, all-through School, with designated Specialist College status in Business & Enterprise, and Science		
<b>Policy Statement</b>	<p>The Duston 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.</p> <p>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.</p> <p><b>Purpose</b>                  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.</p> <p>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.</p> <p><b>What is Personal Information?</b>                  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.</p>		

### **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 Principal or nominated representative.

**Contacts**

If you have any enquires in relation to this policy, please contact the standards team 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](http://www.ico.gov.uk) or telephone 01625 545745 3

## **Appendix 1**

### **The Duston 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 the Principal. 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 Principal 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, dependant 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 Principal.

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 the Principal or nominated representative.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone

## **Appendix 2**

### **Protocol for Issuing References**

This applies to reference requests for current and former employees and volunteers of The Duston Education Trust.

The Data Protection Act 1998 provides in most cases for individuals to have a right to a copy of information held about them and employers who refuse to provide this may be in breach of the act. However, if there is confidential information in a reference then an exemption may apply. As good practice it should be assumed that when writing a reference, individuals may be able to access it at a later date.

Only the Principal is authorised to give an official work reference. Line Managers and work colleagues are not authorised to give a reference on behalf of the school, only a personal reference. When writing a personal character reference, make the context of the reference clear. The individual providing the reference need to state how they are acquainted with the individual in the opening paragraph. The school's letter-headed paper must not be used.

Referees must ensure that:

- Personal references should not include any judgements, for example on the quality of teaching.
- Tick box references should never be completed in a personal capacity.
- If a member of staff is asked to act as a personal referee, a copy of the reference should be passed to the Principal before it is sent so that it can be checked to ensure no future problems can occur as a result of such reference.
- Any opinions given should be honest, based on fact and should fall within the referee's professional judgement.
- Statements should be direct and simple, avoiding the use of ambiguous language.
- Only information requested should be provided.
- No reference must include any data which relates to an individual's physical or mental health, ethnic or racial origin, religious beliefs, sexual life, trade union membership or criminal convictions.
- If there are concerns about conduct or performance, but these issues have never been raised with the employee, these should not be included in the reference.
- If asked to express an opinion on an issue about which the referee cannot make an unequivocal statement, for example, regarding an individual's honesty and integrity, it is appropriate to use a phrase such as 'I know of nothing that would lead me to question X's honesty'.

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## The Duston School – Policy Document

- If in doubt about providing a reference, it is advisable to provide only the basic facts, (i.e. dates of employment and a brief description of duties and responsibilities).
- Do not give an oral reference.
- Keep a copy of the reference provided on the employee's file.
- If in any doubt at all, always seek the advice of the Principal.

This protocol is to protect the Trust and individual members of staff. Colleagues who do not adhere to its provisions may find themselves subject to disciplinary action.

### Appendix 3

Location of statutory additional policies regarding specific items that relate to data protection:

Information Commissioner's Office

<https://ico.org.uk/for-organisations/education/>

#### Information rights video for schools

Aimed at Principals, managers and governors, this video focuses on the areas we think are most relevant.

[Watch on YouTube](#)

External link

#### Lesson plans

Helping children understand the value and importance of their personal information, how to look after it, and the obligations organisations have.

[Lesson plans for primary and secondary schools](#)

#### Data protection – looking after the information you hold

Subject access

Your pupils and students have rights to see their personal information. They can make a subject access request to see the personal information you hold about them. They – and their parents – also have the right to see their educational records.

[How to respond to requests for information about school records](#)

For organisations  
PDF (852.92K)

[Storing and releasing references](#)

For organisations  
PDF (852.92K)

#### Biometrics

The Protection of Freedoms Act 2012 places controls on the use of biometric systems in schools, for example for cashless catering or borrowing library books.

[Guidance on biometrics \(Department for Education\).](#)

External link

### **Exam results**

If you intend to publish exam results in the media, you must inform your pupils and students first.

#### [Publishing exam results](#)

For organisations  
PDF (142.51K)

### **Taking photos in schools**

The Data Protection Act does not prevent parents and teachers from taking photos of events such as the Christmas play or sports day. Asking permission to take photos is normally enough to ensure compliance.

#### [Taking photos in schools](#)

For organisations  
PDF (138.39K)

### **Bring your own device (BYOD) guidance**

Guidance for organisations who want to allow staff to use personal devices to process personal data that they are responsible for.

#### [Bring your own device \(BYOD\) guidance](#)

For organisations  
PDF (328.11K)

The Department for Education have also provided guidance on data protection for schools considering cloud software services.

#### [Cloud software services and the Data Protection Act](#)

External link

### **Guidance on the use of cloud computing**

This guidance covers how the security requirements of the DPA apply to personal data processed in the cloud.

#### [Guidance on the use of cloud computing](#)

For organisations  
PDF (329.06K)

[Guidance on the use of cloud computing](#)

For organisations  
PDF (329.06K)

**Advice based on the experiences of schools**

Our report, indicating areas of good practice, areas for improvement and practical advice, is based on the results of a questionnaire of over 400 schools across nine different local authorities in England and Wales.

[Data protection advice for schools \(Clear English standard\)](#)

For organisations  
PDF (448.26K)

[Data protection advice for schools- report summary](#)

For organisations  
PDF (101.33K)

**Freedom of information - making public information available**

If the educational establishment you work in is a public authority, the Freedom of Information Act means you must produce a publication scheme, which outlines the information you will routinely make available to the public - such as minutes of meetings, annual reports or financial information.

Our definition documents explain the detail of what you need to publish:

[Schools in England definition document](#)

For organisations  
PDF (155.63K)

[Template guide to information for schools](#)

For organisations  
Word (210.5K)

[How to complete the guide to information for schools](#)

For organisations  
PDF (140.85K)

	<p><b>Further reading</b></p> <p>The data protection management list can be found at the location below. This details the timescales for storing data, where it is kept and how it is to be destroyed.</p> <p><a href="O:\Staff Resources\Data Protection\TDS Data Management Spreadsheet.xlsx">O:\Staff Resources\Data Protection\TDS Data Management Spreadsheet.xlsx</a></p> <p>Staff who are named with specific responsibilities will need to ensure that they, and other staff, follow these requirements.</p>
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<b>Staff Responsible</b>	TWI		
<b>Date approved by GB:</b>	07/07/16	<b>Review Date</b>	July 2018