



## Data Protection Policy

<b>Applicable to:</b>	✓	Astley Community High School
	✓	Seaton Sluice Middle School
	✓	Whytrig Middle School
<b>Approval body:</b>	SVF Senior Leadership Team	

**Status:**

<b>Statutory policy or document</b>	Yes
<b>Review frequency</b>	At least every two years
<b>Approval by</b>	Governing body to determine

**Publication:**

<b>Statutory requirement to publish on school website</b>	No
<b>Agreed to publish on school website</b>	Yes

**Version Control:**

<b>Revision Record of Approved Versions</b>			
<b>Author</b>	<b>Creation Date</b>	<b>Version</b>	<b>Status</b>
Information and Curriculum Support Manager – SVF (NB)	24 January 2017	1.0	Agreed policy for publication.
<b>Changed by</b>	<b>Revision Date</b>		

<b>Review Date</b>	
<b>Frequency</b>	<b>Next Review Due</b>
Two Years	January 2019

## **1 Purpose**

The Data Protection Act 1998 is the law that protects personal privacy and upholds individuals' rights. It applies to anyone who handles or has access to people's personal data.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

## **2 Scope**

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

The federation collects a large amount of personal data every year including: staff records, names and addresses of staff and pupils, examination marks, references, as well as the many different types of research and demographic data used by the federation. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

## **3 Data Protection Principles**

The Act is based on eight data protection principles, or rules for 'good information handling'.

- Data must be processed fairly and lawfully.
- Personal data shall be obtained only for one or more specific and lawful purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed.
- Personal data shall be accurate and where necessary kept up to date.
- Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country outside the European Economic Area (EEA), unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## **4 Responsibilities**

The federation must:

- Manage and process personal data properly.
- Protect the individual's right to privacy.

- Provide an individual with access to all personal data held on them.

The federation has a legal responsibility to comply with the Act. Each school within the federation is named as the Data Controller under the Act.

Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies that are in line with the Act.

Each school is required to 'notify' the Information Commissioner of the processing of personal data. This information will be included in a public register which is available on the Information Commissioner's website at the following link:

<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Every member of staff that holds personal information has to comply with the Act when managing that information.

The federation is committed to maintaining the eight principles at all times. This means that the federation will:

- Inform data subjects why their personal information is needed, how it will be used and with whom it may be shared. This is known as a Privacy Notice.
- Check the quality and accuracy of the information held.
- Apply the records management policies and procedures to ensure that information is not held longer than is necessary.
- Ensure that when information is authorised for disposal it is done appropriately.
- Ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or on a computer system.
- Only share personal information with others when it is necessary and legally appropriate to do so.
- Set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection Act (see Appendix A)
- Train all staff so that they are aware of their responsibilities and of the federation's relevant policies and procedures (including the Information Publication Scheme and Northumberland County Council's Guidance on Giving References).

The federation's Information and Curriculum Support Manager is the lead professional for all three schools in supporting managers and staff to ensure the eight principles are implemented effectively.

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998.

The Information Commissioner Office's website ([www.ico.gov.uk](http://www.ico.gov.uk)) provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

## **Appendix A - Procedure for Access to Personal Information**

### **Rights of access to information**

There are two distinct rights of access to information held by schools about staff and pupils:

- Under the Data Protection Act 1998 an individual has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see below).
- The right of parents to have access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

### **Dealing with a request**

- Requests for personal information must be made in writing and be addressed to the Executive Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
- The identity of the requestor must be established before the disclosure of any personal 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 statementThis list is not exhaustive.
- Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand. As a general rule, a child of 12 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf. The Executive Headteacher should discuss the request with the child and take their views into account when making a decision.
- The federation may make a charge for the provision of information, dependent upon the nature of the information requested, and the resources required to produce it.
- 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 does not begin until after the agreed fee is received and any further information to assist you with the request (i.e. about identity) is received.
- Requests for information from pupils or parents for access to information classed as being part of the education record must be responded to within 15 school days.
- There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. Therefore all information must be reviewed prior to disclosure.
- Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another person or has been provided by another agency, 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.

- Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- Where redaction (information edited/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.
- 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.
- Information can be viewed at any school within the federation 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 the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service must be used.

### **Feedback and complaints**

If you require further assistance or wish to make a complaint then initially this should be addressed to:

**Executive Head Teacher  
Seaton Valley Federation of Schools  
c/o Elsdon Avenue  
Seaton Delaval  
Northumberland  
NE25 0BP**

All complaints will be reviewed in accordance with the Seaton Valley Federation's Complaints Procedure which can be found on each school's website.

If you are not satisfied with the assistance that you get, or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Data Protection Act 1998 and Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

Enquiry/Information Line: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

Fax: 01625 524 510

E Mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Website: [www.ico.org.uk](http://www.ico.org.uk)