



## Data Protection

September 2016

### Our Values

- We value every child's individuality
- We value the development of the whole child-academically, physically, emotionally, socially and spiritually.
- We value a broad and rich experience, alongside academic success.
- We value a happy, caring, sustainable, and safe environment.
- We value the contribution we make to, and receive from, parents and the wider community.
- We value the development of all staff to achieve their full potential.
- We value dynamic leadership and management.

It is a primary aim of our school that every member of the school community feels happy, valued and respected - and that each person is treated fairly and well. We are a caring community with mutual trust and respect for all.

This policy should be read in conjunction with the Inclusion Policy, E-Safety, Anti-Bullying Policy and all relevant guidance from the DfE.

Wanborough Primary 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 Fair Processing Notice (Appendix 1) 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.

## **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 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).

## Contacts

If you have any enquires in relation to this policy, please contact Mr Drury - who will 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 5457453.

## Subject Access Requests

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.

Making a subject access request:-

1. Requests for information must be made in writing (including email) using a 'Subject Access Request Form' (Appendix 2) and be addressed to the Headteacher, Mr Drury. 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 license
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statementNB - 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 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 it 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 - Mrs Fiona Luckhurst - who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaints 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.

**Approved:** September 2016

**Next Review:** September 2018

Appendix. 1  
**WANBOROUGH PRIMARY SCHOOL**  
**DATA PROTECTION FAIR PROCESSING NOTICE**

Schools, Local Authorities (LAs), the Department for Education (DfE), the government department which deals with education, the Standards and Testing Agency (STA), and Ofsted all process information on pupils in order to run the education system and Department of Health (DH) and Primary Care Trusts (PCTs) process information on pupils in order to tackle the year on year rise in obesity among children, and in doing so have to comply with the Data Protection Act 1998. This means, among other things that the data held about pupils must only be used for specific purposes allowed by law. We are therefore writing to tell you about the types of data held, why that data is held, and to whom it may be passed on.

The school holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time schools are required to pass on some of this data to LAs, the DfE and to agencies that are prescribed by law, such as STA, Ofsted, DH and PCTs.

The Local Authority uses information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform decisions on for example the funding of schools, to assess the performance of schools and set targets for them, and to evaluate the impact of new policies and initiatives, such as extended services in schools. The statistics are used in such a way that individual children cannot be identified from them. LAs have a duty under the Children Act 2004 to cooperate with their partners in health and youth justice to improve the well-being of children in their areas. As part of this duty they will be required to maintain the accuracy of the information held on the Information Sharing (IS) Index about children and young people in their area (see IS Index under Department for Education and Skills).

The Qualifications and Curriculum Authority uses information about pupils to administer national curriculum assessments throughout Key Stages 1 to 3. This includes both assessments required by statute and those that are optional. The results of these are passed on to DfE to compile statistics on trends and patterns in levels of achievement. The STA uses the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

Ofsted uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual pupils.

The Department of Health uses aggregate information (at school year group level) about pupils' height and weight for research and statistical purposes, to inform, influence and improve health policy and to monitor the performance of the health service as a whole. The DH will base performance management discussions with Strategic Health Authorities on aggregate information about pupils attending schools in the PCT areas to help focus local resources and deliver the Public Service Agreement target to halt the year on year rise in obesity among children under 11, in the context of a broader strategy to tackle obesity in the population as a whole.

The Department of Health will also provide aggregate PCT level data to the Healthcare Commission for performance assessment of the health service. Primary Care Trusts use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them. Information on the height and weight of individual pupils may however be provided to the child and its parents and this will require the PCTs to maintain details of pupils' names for this purpose. PCTs may also provide individual schools and LAs with aggregate information on pupils' height and weight. The Department for Education and Skills uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to LAs and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school. The Children Act 2004 provides for the Secretary of State to issue Regulations requiring the "governing body of a maintained school in England" to disclose information for inclusion on the Information Sharing (IS) Index.

The purposes of the index are to:

- help practitioners working with children quickly identify a child with whom they have contact;
- determine whether that child is getting the universal services (education, primary health care) to which he or she is entitled; and
- enable earlier identification of needs and more effective action to address these needs by providing a tool to help practitioners identify which other practitioners are involved with a particular child; and
- Encourage better communication and closer working between practitioners.

The index will hold for each child or young person in England:

- basic identifying information: name, address, gender, date of birth and a unique identifying number based on the existing Unique Identifying Number/National Insurance Number;
- basic identifying information about the child's parent or carer;
- contact details for services involved with the child: as a minimum school and GP Practice but also other services where appropriate; and
- The facility for practitioners to indicate to others that they have information to share, are taking action or have undertaken a common assessment in relation to a child.

The index will NOT record statements of a child's needs, academic performance, attendance or clinical observations about a child. All practitioners and system support staff (in LAs who will be responsible for maintaining the data) will have to have relevant training and to have undergone rigorous checks and appropriate security clearance procedures. To ensure high standards of accuracy, information on the IS Index will be drawn from a number of sources including the termly School Census from which, from January 2007, pupils' home address will be collected.

The DfE will also provide Ofsted with pupil data for use in school inspection. Where relevant, pupil information may also be shared with post 16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans. Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression; and to provide comprehensive information back to LAs and learning institutions to support their day to day business.

The DfE may also use contact details from these sources to obtain samples for statistical surveys: these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results. This data sharing will be approved and controlled by the Department's Chief Statistician.

The DfE may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If you wish to access the personal data held about your child, then please contact the relevant organisation in writing:

- The school at Wanborough Primary School
- The LA's Data Protection Officer at Sanford House, Sanford Street, Swindon, SN1 1QH;
- The STA's Data Protection Officer at STA, 83 Piccadilly, LONDON, W1J 8QA;
- Ofsted's Data Protection Officer at Alexandra House, 33 Kingsway, London WC2B 6SE;
- The DfES's Data Protection Officer at DfE, Caxton House, Tothill Street, LONDON, SW1H 9NA;
- The DH's Data Protection Officer at Skipton House 80 London Road London SE1 6LH;
- Your local Primary Care Trust.

In order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requestor's identity and any further information required to locate the personal data requested. Separately from the Data Protection Act, regulations provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. If you wish to exercise this right you should write to the school.

Appendix 2.

**Data Protection Act – Subject Access Request Form**

1. Are you making this request for information on your own behalf?  
Yes  Please go to part 4.                      No  Please go to parts 2 and 3.
2. If you are making this request for information on behalf of someone else, please state the nature of your relationship with that person.  
Parent                       Guardian                       Legal Representative   
Other  (*Please specify*)
3. If you are making this request for information on behalf of someone else, please provide the following information about yourself:

Name: .....

Address: .....

.....

.....

Contact No. (daytime): .....

Contact No. (evening): .....

email address: .....

*If you would prefer all correspondence via email please indicate here:*

*If the applicant is not the data subject (the person we hold information on), we will always correspond with the applicant unless otherwise specified.*

4. Please complete the following section, providing information about the Data Subject (the individual whose information is being requested):

Name (including any previous names): .....

Address: .....

.....

.....

Contact No. (daytime): .....

Contact No. (evening): .....

email address: .....

*If you would prefer all correspondence via email please indicate here:*

Date of Birth (if under 18): .....