



Leventhorpe
a business and enterprise academy

Governing Body Policy

Policy Title: Data Protection

Policy no: R12

Committee: Resources

Staff Main Link: JCM

Due for Review: Resources Spring 2020

Data Protection Policy

1. INTRODUCTION

This policy applies to all personal data held by Leventhorpe School. It encompasses paper records, biometric data, data held on computer and associated equipment of whatever type and at whatever location, used by or on behalf of Leventhorpe.

The obligations outlined in this policy apply to all those who have access to personal data, whether they are employees, governors, employees of associated organisations or temporary staff. It includes those who work from home, who must follow the same procedures as they would in an office environment.

Any individual who knowingly or recklessly processes data for purposes other than those for which it is intended or makes an unauthorised disclosure is liable to prosecution. All individuals permitted to access personal data must agree to comply with this policy.

2. POLICY STATEMENT

2.1. Leventhorpe will comply with:

2.1.1. The terms of the Data Protection Act 1998 and any subsequent relevant legislation, to ensure personal data is treated in a manner that is fair and lawful.

2.1.2. The eight enforceable principles of good practice contained in the Data Protection Act 1998. These state that personal data must be

- Fairly & lawfully processed
- Obtained only for one or more specified and lawful purposes
- Adequate, relevant & not excessive in relation to the purpose for which it is processed
- Accurate and kept up to date
- Not kept for longer than is necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to a country outside the EEC unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

2.1.3. Guidance is displayed on the Information Commissioner's website (www.dataprotection.gov.uk) and published in "The Guide to Data Protection" published by the Information Commissioner's office and available at:-
http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/the_guide_to_data_protection.pdf

2.2. This policy should be read in conjunction with Leventhorpe's ICT Acceptable Use Policy and its Publications Scheme.

2.3. Data Gathering

Only relevant personal data may be collected and the person from whom it is collected will be informed why the data is being collected, of the data's intended use and any possible disclosures of the information that may be made.

This will be achieved by issuing privacy notices to all persons from whom personal data is collected. Two versions will be used – one in respect of students' personal data (issued to parents) and the other in respect of staff personal data. (Appendices A and B). Student notices will also be placed on the school's VLE and older students' attention will be drawn to them.

2.4. Processing

2.4.1. All processing of personal data will comply with the Data Protection Principles as defined in the Data Protection Act 1998. In the situation where data is processed by a third party, the third party will be required to act in a manner that ensures compliance with the Data Protection Act 1998.

2.4.2. Data will only be processed for the purpose for which it was collected and will not be used for incompatible purposes without the consent of the data subject.

2.5. Data Storage

2.5.1. Leventhorpe will store personal data in a secure and safe manner. Should staff need to access school data from home remote access is provided via a portal that does not have the ability to store data locally

2.5.2. Personal data, the loss of which could cause damage or distress to individuals, which is used or stored on portable or mobile equipment should not be removed from site unless it is held on a school-owned encrypted device

2.5.3. Manual data will be stored where it not accessible to anyone who does not have a legitimate reason to view or process that data.

2.5.4. Particular attention will be paid to the need for security of sensitive personal data. (see appendix 3)

2.6. Data Checking

2.6.1. Leventhorpe will issue data collection sheets to parents/carers on a regular basis to ensure that personal data held is up-to-date and accurate.

2.6.2. Any errors discovered will be rectified and, if the incorrect information has been disclosed to a third party, any recipients informed of the corrected data.

2.7. Data Disclosures

2.7.1. Personal data will only be disclosed to organisations or individuals for whom consent has been given to receive the data, or organisations that have a legal right to receive the data without consent being given.

2.7.2. When requests to disclose personal data are received by telephone it is the responsibility of the member of staff taking the call to ensure the caller is entitled to receive the data and that they are who they say they are. It is advisable to call them back, preferably via a switchboard, to ensure the possibility of fraud is minimised.

2.7.3. If a personal request is made for personal data to be disclosed it is again the responsibility of the member of staff to ensure the caller is entitled to receive the data and that they are who they say they are. If the person is not known personally, proof of identity should be requested.

- 2.7.4. Requests from parents/carers or students for printed lists of names of students in particular groups should be refused (Note: A suggestion that the child makes a list of names when all the students are present in class will resolve the problem.)
- 2.7.5. Personal data will not be used in newsletters, websites or other media if consent has been withheld by the parent/carer
- 2.7.6. Routine consent issues are incorporated into Leventhorpe's student files to avoid the need for frequent, similar requests for consent being made by the school
- 2.7.7. Personal data may be disclosed to Police Officers at the school's discretion. Staff should refer any such requests to a senior member of staff before disclosing any personal information

2.8. Subject Access Requests

- 2.8.1. If Leventhorpe receives a written request from a data subject to see any or all personal data that Leventhorpe holds about them this will be treated as a legitimate Subject Access Request and Leventhorpe will respond within the recommended 40 day deadline.
- 2.8.2. Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and Leventhorpe will comply with its duty to respond within the 40 day time limit.

3. CONFIDENTIALITY AND SECURITY

Personal data is confidential and confidentiality must be preserved in compliance with the Data Protection Principles as defined in the Data Protection Act 1998.

Paper records will be managed so that access is restricted to those who need to use the information and stored in secure locations to prevent unauthorised access.

Computer systems will be designed and computer files created with adequate security levels to preserve confidentiality. Those who use the school's computer equipment will have access only to the data that is both necessary for the work they are doing and held for carrying out that work.

Particular care should be taken with sensitive personal data (see Appendix C)

4. OWNERSHIP OF DATA

Rivers Multi Academy Trust is responsible for the personal data that it holds. This responsibility extends to any data that is processed by a third party. Relevant data is listed in the Publications Scheme.

5. TRAINING

All members of staff who work with personal data, and their line managers, will be made aware of Data Protection issues.

POLICY REVIEW This policy will be kept under review in order to keep it in line with relevant legislation and modifications authorised by the governing body and the Senior Leadership Team.

Appendix A – Privacy Notice for Students and Parents

PRIVACY NOTICE

Students in Secondary Schools, Middle Schools, Alternative Provision and Student Referral Units

Privacy Notice - Data Protection Act 1998

We **Rivers Academy Trust** are a 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.

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England.

We must provide both your and your parent's/s' name(s) and address, and any further information relevant to the support services' role.

However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, address and your date of birth be passed to the support service. **This right transfers to you on your 16th birthday.** Please inform *the school* if you wish to opt-out of this arrangement.

For more information about young peoples' services, please go to the Directgov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm or the LA website shown below.

Other Institutions involved in collaborative delivery. Where secondary schools are involved in collaborative delivery with other schools / colleges and learning providers, student information may also be shared to aid the preparation of learning plans and use of data to achieve the objectives identified above.

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

¹ Attendance is not collected for students under 5 at Early Years Settings or Maintained Schools as part of Censuses for the Department for Education.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use(s) of the Local Authority.

If you want to see a copy of the information we hold and share about you then please contact **the school**.

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.hertsdirect.org/services/edlearn/privsch/> and

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

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

- Data Protection Team
Information Governance Unit
Room C1
County Hall
Pegs Lane
Hertford
SG13 8DQ
email: data.protection@hertsc.gov.uk
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

Appendix B - Privacy Notice for Staff

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 **Rivers Academy Trust** 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;
- 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)
- any other parties as appropriate

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

- <http://compass.hertscc.gov.uk/phonebook/pb/hcc/15497462/propt/13490344/13490359/>
- <http://compass.hertscc.gov.uk/pp/resandperpolproc/hrpolproc/16912600/ohotoid>
- <http://compass.hertscc.gov.uk/pp/resandperpolproc/ictpolproc/twwwictaup/comphccintra>
- <http://www.education.gov.uk/schools/adminandfinance/schooladmin/a0077963/what-the-department-does-with-school-workforce-data>

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

- Data Protection Team
Information Governance Unit
Room C1
County Hall
Pegs Lane
Hertford
SG13
email: data.protection@hertscc.gov.uk
Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London

Website: www.education.gov.uk
Email: info@education.gsi.gov.uk
Tel: 0370 000 2288

Appendix C – Guidance for Staff - Personal and Sensitive Personal Data (from ICO)

Personal data is information which relates to an identifiable living individual that is processed as data. Processing means collecting, using, disclosing, retaining, or disposing of information. The data

protection principles apply to all information held electronically or in structured files that tells you something about an identifiable living individual. The principles also extend to all information in education records. Examples would be names of staff and students, dates of birth, addresses, national insurance numbers, school marks, medical information, exam results, SEN assessments and staff development reviews.

Sensitive personal data is information that relates to race and ethnicity, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexuality and criminal offences.

The difference between processing personal data and sensitive personal data is that there are greater legal restrictions on the latter. You will hold sensitive personal data in student and staff records so you need to be aware of the extra care it requires.

You also need to differentiate between personal information that individuals would expect to be treated as private or confidential (whether or not legally classified as sensitive personal data) and personal information you can make freely available.

Example: the head teacher's identity is personal information but everyone would expect it to be publicly available. However, the head's home phone number would usually be regarded as private information.

The DPA requires you to strike the correct balance in processing personal information so that you respect individuals' privacy where it needs protection. The eight data protection principles are the key to finding that balance and ensuring compliance with the DPA.