



Lowther Primary School Data Protection Policy

This policy was most recently reviewed in: **March 2016**

The next review of this policy is due in: **July 2017**

The Chair of Governors is: **Sharon McNab**

1. Introduction

Lowther Primary School needs to process personal data about its current, prospective and former pupils and their parents and carers, its current, prospective and former staff, its suppliers and contractors as part of its everyday operations, and is legally obliged to process such personal data in accordance with the Data Protection Act 1998 (the DPA).

1.2 The school is the data controller of this personal data under the DPA and has notified its use of personal data with the Information Commissioner's Office (ICO). The school is committed to compliance with the DPA and takes seriously the responsibility of handling personal information.

1.3 This Policy has been developed to ensure that the School meets its obligations under the DPA. The School is committed to ensuring personal information is properly managed and that it ensures compliance with the Data Protection Act 1998. The School will make every effort to meet its obligations under the legislation and will regularly review procedures to ensure that it is doing so.

2. Scope

This policy applies to all employees, governors, contractors, agents and representatives and temporary staff working for or on behalf of the School.

This policy applies to all personal information created or held by the School in whatever format (eg paper, electronic, email, film) and however it is stored, (eg IT system/database, cloud storage, shared drive filing structure, email, filing cabinet, shelving and personal filing drawers).

3. Responsibilities

The Governors have overall responsibility for compliance with the DPA.

The Headteacher is responsible for ensuring compliance with the DPA and this policy within the day to day activities of the School. The Headteacher is responsible for ensuring that appropriate training is provided for all staff.

All members of staff or contractors who hold or collect personal data are responsible for their own compliance with the DPA and must ensure that personal information is kept and processed in line with the DPA.

4. Requirements

The Data Protection Principles require the school to ensure all personal data is:

- fairly and lawfully processed;
- processed for a lawful purpose;
- adequate, relevant and not excessive;
- accurate and up to date;
- not kept for longer than necessary;
- processed in accordance with the data subject's rights;



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- protected by appropriate security; and
- not transferred to countries outside the EEA without adequate protection.

4.1 Personal data is information about living, identifiable individuals. Such data can be part of a computer record or manual record. It may be factual information, expressions of opinion, images or other recorded information.

4.2 Personal data processed by the school includes contact details and (for staff and contractors) additional information required for their employment or appointment including images, audio and video recordings; (for pupils) admissions, academic, disciplinary and other education related records, information about special educational needs, references, images, audio and video recordings; (for parents and/ or guardians) contact details and financial information.

4.3 Sensitive personal data processed by the school about an individual includes data concerning his/her ethnic group, religious beliefs, criminal records and proceedings, trade union membership and relevant medical information.

4.4 The school collects the personal data it processes directly from the data subject (or in the case of a pupil, from parents or guardians) and from third parties (for example referees, the Disclosure & Barring Service).

5. Notification

The Data Protection Act 1998 requires every data controller (at Lowther Primary School this is the Business Manager) who is processing personal data to notify and renew their notification each year. Failure to do so is a criminal offence. The Information Commissioner maintains a public register of data controllers.

The School will review the Data Protection Register annually, prior to renewing the notification to the Information Commissioner.

6. Privacy Notices

Whenever information is collected about individuals they must be made aware of the following:

- The identity of the data controller;
- The purpose that the information is being collected for;
- Any other purposes that it may be used for;
- Who the information will or may be shared with; and
- How to contact the data controller.

This must be at the time that information first starts to be gathered on an individual.

7. Purposes for which data may be processed

Personal data (including sensitive personal data, where appropriate) is processed by the School in accordance with the Data Protection Act for the following purposes:

- The provision of education including the administration of the admissions process; administration of the school curriculum and timetable; administration of pupils' entries to assessment tests; providing references for pupils (including after a pupil has left); preparation of information for inspections by Ofsted.
- The provision of educational support and ancillary services including the provision of pastoral care, welfare, health care services and maintenance of discipline; administration of school trips; the administration of the School's Acceptable Use Policy.
- The general administration of the School including the compilation of pupil records; the management of the School's property; the management of security and safety



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arrangements; the administration and implementation of the School's policies; and other reasonable purposes related to the School's operations.

- The protection and promotion of the School's legitimate interests and objectives including the publication of its website and other publications.
- The administration of its staff, agents and suppliers including the recruitment of staff/ engagement of contractors (including compliance with DBS procedures); administration of payroll, pensions and sick leave and the maintenance of appropriate human resources records for current and former staff; and providing references.
- The fulfilment of the School's contractual and other legal obligations

8. Conditions for Processing

8.1 The School will process personal data only for the purpose(s) for which it was originally acquired or which have subsequently been notified to the data subject(s) and will not process it for any other purpose without the data subject's permission, unless it is permitted to do so under the DPA. The School may communicate with data subjects for the purposes set out above by post, telephone, email and SMS.

8.2 Personal data shall be disclosed only to those members of the School's staff, agents and suppliers who need to access the personal data to carry out the purpose(s) for which it was acquired. The School adopts appropriate security measures to ensure that personal data is kept secure and not processed without proper authority. The School observes legislative requirements and current best practice to ensure personal data is kept for no longer than necessary.

8.3 The School will not transfer personal data outside of the EEA unless it is satisfied that the data subject's rights under the DPA will be adequately protected.

8.4 When processing personal data for the purposes set out above the School may communicate by post, email and SMS and may make use of cloud computing services.

9. Provision of Data

It is a criminal offence to knowingly or recklessly obtain or disclose information about an individual without legitimate cause. Relevant confidential data should only be given to:

- other members of staff on a need to know basis;
- relevant Parents/Guardians;
- other authorities if it is necessary in the public interest, e.g. prevention of crime;
- other authorities, such as the LEA and schools to which a pupil may move, where there are legitimate requirements.

9.1 From time to time the School may pass personal data (including sensitive personal data where appropriate) to third parties, including local authorities, other public bodies (eg the DBS, UK Border Agency, HM Revenue and Customs, Department for Education and Department for Work and Pensions), and bodies such as Ofsted.

Such data will be provided:

- to enable the relevant authorities to monitor the School's performance;
- to compile statistical information (normally used on an anonymous basis);
- to safeguard pupils' welfare and provide appropriate pastoral (and, where relevant, medical) care;
- to enable pupils to take part in assessments and to monitor their progress and educational needs;
- to obtain appropriate professional advice and insurance for the School;
- where a reference or other information about a pupil or former pupil is requested by another educational establishment or employer to whom they have applied;
- where otherwise required by law; and
- otherwise where reasonably necessary for the operation of the School and employment of its staff.



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9.2 The School should not disclose anything on a pupil's record which would be likely to cause serious harm to their physical or mental health or that of anyone else. Those who create such records should therefore ensure that such information is separated from other records.

9.3 Where there is doubt or statutory requirements conflict, advice will be obtained from the LA.

9.4 When giving information to an individual, particularly by telephone, it is most important that the individual's identity is verified. If in doubt, questions should be asked of the individual, to which only he/she is likely to know the answers. Information should not be provided to other parties, even if related. For example, in the case of divorced parents it is important that information regarding one party is not given to the other party to which he/she is not entitled.

10. The individual's right to access their personal information (Subject Access Requests)

Any person whose details are held by the School is entitled, under the DPA, to ask in writing for a copy of all information held about them (or a child for whom they are responsible).

When a request is received it must be dealt with promptly; a response must be provided as soon as possible and within 40 days, unless an exemption from the right of access under the DPA applies.

The School may make a charge of up to £10 for responding to a subject access request and up to £50 (on a sliding scale for photocopying charges) for access to a pupil's educational record.

When providing the information the School must also provide a description of why the information is processed, details of anyone it may be disclosed to and the source of the data.

11. Provision of data to children

In relation to the capacity of a child to make a subject access request, guidance provided by the Information Commissioner's Office has been that by the age of 12 a child can be expected to have sufficient maturity to understand the nature of the request. A child may of course reach sufficient maturity earlier; each child should be judged on a case by case basis.

If the child does not understand the nature of the request, someone with parental responsibility for the child, or a guardian, is entitled to make the request on behalf of the child and receive a response. Pupils who submit requests to access their educational records should be allowed to do so unless it is obvious that they do not understand what they are asking for.

12. Parents' rights

An adult with parental responsibility can access information about their child, while the child is considered to be not yet sufficiently mature. They must be able to prove their parental responsibility and the School is entitled to request relevant documentation to evidence this as well as the identity of the requestor and child.

In addition, parents have their own independent right under The Education (Pupil Information) (England) Regulations 2000 of access to the official education records of their children. Students do not have a right to prevent their parents from obtaining a copy of their school records.

13. Information Security

All members of staff should be constantly aware of the possibility of personal data being seen by unauthorised personnel. For example, possibilities may arise when computer screens are visible to the general public; files may be seen by cleaners or other users of the School if left on desks overnight (all papers must be locked in cabinets when not in use).



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The use of computer passwords is a requirement of the school to avoid unauthorised access. Encrypted memory sticks will be used by staff for any data taken off-site. The School will take reasonable steps to ensure that personal data is kept secure and is accessed by authorised members of its staff only for the purposes for which it is held. All staff will be made aware of this Data Protection Policy and their duties under the DPA.

14. Maintenance of up to date data

Out of date information should be discarded if no longer relevant. Information should be kept only for as long as it is needed for legal or business purposes. In reality most relevant information should be kept for the period during which the person is associated with the School, plus an additional period which the School has determined.

15. Inaccurate Data

An individual has the right to request that inaccurate information about them is corrected. If an individual complains that the personal data held about them is wrong, incomplete or inaccurate, the position should be investigated thoroughly including checking with the source of the information. In the meantime a caution should be marked on the person's file that there is a question mark over the accuracy.

The School will endeavour to ensure that all personal data held in relation to individuals is accurate and up to date. Individuals must notify the School of any changes to information held about them.

16. Recording of Data

Records should be kept in such a way that the individual concerned can inspect them. It should also be borne in mind that at some time in the future the data may be inspected by the courts or some legal official. It should therefore be correct, unbiased, unambiguous and clearly decipherable. Where information is obtained from an outside source, details of the source and date obtained should be recorded.

Any person whose details, or child's details, are to be included on the School's website will be required to give written consent. At the time the information is included all such individuals will be properly informed about the consequences of their data being disseminated worldwide.

17. Photographs

Whether or not a photograph comes under the DPA is a matter of interpretation and quality of the photograph. However, the School takes the matter extremely seriously and seeks to obtain parents' permission for the use of photographs outside the School and, in particular, to record their wishes if they do not want photographs to be taken of their children. Children's full names are not used in public documents or photo captions.

18. Breach of the policy

Non-compliance with the requirements of the DPA by the members of staff could lead to serious action being taken by third parties against the school authorities. Non-compliance by a member of staff is therefore considered a disciplinary matter which, depending on the circumstances, could lead to dismissal. It should be noted that an individual can commit a criminal offence under the Act, for example by obtaining and/or disclosing personal data for his/her own purposes without the consent of the data controller.