

**Barham Primary School Data Protection Policy**

The Governing body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with education regulations and all other statutory provisions.

***Barham 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.

**Purpose**

The Headteacher and Governors of this school intend to comply fully with the requirements and principles of the Data Protection Act 1988 and the Freedom of Information Act 2000.

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.

### (ii) Authorised Disclosures

The School will, in general, only disclose data about individuals with their or their parents’ consent. However, there are circumstances under which the School’s authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

* Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
* Pupil data disclosed to authorised recipients in respect of their child’s health, safety and welfare.
* Pupil data disclosed to parents in respect of their child’s progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
* Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
* Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances, the engineer would be required to sign a non-disclosure agreement promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the local authority are IT liaison/data processing officers, for example in the local authority are contractually bound not to disclose personal data.
* Only authorised and trained staff members are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **needs to know** the information in order to do their work. The school will not disclose, unless legally obliged to do so, anything on pupils’ records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

**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.

### Data and Computer Security

Barham Primary School undertakes to ensure security of personal data by the following general methods

**(i) Physical Security**

Appropriate building security measures are in place. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

#### (ii) Logical Security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly. – All computers onsite are part of the school network and all staff have their own usernames/passwords to access the computers. These username/passwords are unique to staff. All files on the school network are backed up on a daily basis.

### (iii) Procedural Security

In order to be given authorised access to Barham computers, staff have to undergo checks and sign a confidentiality agreement. All staff members are trained in their data protection obligations and their knowledge updated as necessary. Data and source documents are shredded before disposal.

Any queries or concerns about security of data in the school should in the first instance be referred to the data protection nominated officer.

**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 \* (see Appendix 1 item 6 re exemptions)
* 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 Headteacher, or nominated representative.

**Contacts**

If you have any enquires in relation to this policy, please contact the Headteacher 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 or telephone 01625 545745 3

Dorothy D’Souza

Sept 2015

**Appendix 1**

***Barham Primary 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 Headteacher.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 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 a 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 dependant 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 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 who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school’s complaint procedure.

The Information Commissioner can deal with complaints, which are not appropriate to be dealt with through the school’s complaint procedure. 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 theHeadteacher*.*

Further advice and information can be obtained from the Information Commissioner’s Office, www.ico.gov.uk

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| This policy was adopted at the meeting of the Governors’ sub-committee:  *School, Curriculum and Human Resources/ Finance/ Governance* | |
| Held on (date) |  |
| Signed on behalf of the Governors |  |
| Role of signatory (e.g. chairperson etc) |  |
| Date policy to be reviewed |  |