

Pensby Primary School



Data Protection Policy

Mrs K Brown - February 2009

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DATA PROTECTION POLICY

STATEMENT OF PRINCIPLE

This policy is intended to ensure that personal information must be dealt with properly 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 used, recorded and stored and whether it is held in paper or electronic files.

PURPOSE

1. To check the quality and accuracy of information we hold
2. to ensure appropriate security measures to safeguard personal information is followed
3. to ensure personal information is shared as is legally required
4. to set out clear procedures for responding to requests for access to personal information (see Appendix 1)
5. to train staff so they are aware of policies and procedures

AIMS

1. To follow the 8 Data Protection Principles
 - 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 1998 Data Protection Act
 - 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 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
2. To inform families what the information will be used for and if it will be shared when we collect it
3. to ensure that when information is authorised for disposal it is done appropriately

SUMMARY

Pensby Primary will discharge its duties as appropriate under the Data Protection Act 1998. Complaints under this policy should be made to the Chairperson of the Governing Body who will decide if it is appropriate for the complaint to be dealt with under the complaints procedure. Complaints which are dealt with under the schools complaints procedures should be forwarded in writing to the Information Commissioner. It is likely that complaints about procedural issues, due process and timelines will be dealt with by the Governing Body. Complaints that involve consideration of personal data or sensitive personal data should be forwarded in writing to the Information Commissioner.

For further advice and information please contact the Information Commission at www.informationcommissioner.gov.uk

Appendix 1.

PENSBY PRIMARY SCHOOL - PROCEDURE FOR RESPONDING TO REQUESTS FOR PERSONAL INFORMATION IN ACCORDANCE WITH THE DATA PROTECTION ACT 1998

- Anyone requesting to see their file, their child's file or other information relating to them is making a request under the Data Protection Act 1998. In this instance all types of information will be considered for disclosure
- There is a statutory exemption to the above - parents have automatic rights to access defined materials under the Education (School Records) Regulations 1989. The school observes this.
- If there is a current court order relating to data, the school must observe this.

DEALING WITH A REQUEST

- A request under the act must be made in writing
- In many cases a letter to the Headteacher will be sufficient to identify the information required.
- The Headteacher must be confident about the identity of the individual making the request. Signatures may be verified, identification may be requested in addition to proof of relationship with the child.
- An individual only has the automatic right to access information about themselves. Requests from family members, carers and parents will be considered. The Headteacher has the responsibility for ensuring the child's welfare is considered in deciding whether to comply with the request. Normally the requester will have to prove both their relationship with the child and that the disclosure is in the child's best interest to the satisfaction of the Headteacher. In the event of the child having capacity to understand (approximately 12 years) the Headteacher should discuss the request with the child to take their views into account. There may be circumstance when the child refuses their consent.
- The school may charge a statutory fee, currently calculated on a sliding scale but only if a permanent copy is required. Charges will be made clear when a request is made. If a letter is sent out requesting the fee the 40 calendar day statutory timescale does not begin until after the fee is received. No request be delayed unnecessarily by time taken to send the fee letter
- The school will make use of exemption under the Act as appropriate. All files must be reviewed before any disclosure takes place. **UNDER NO CIRCUMSTANCES WILL ACCESS BE GRANTED IMMEDIATELY OR BEFORE THIS REVIEW PROCESS HAS TAKEN PLACE.**
- Where information has been provided to the school by a third party (LA, the police, health care etc) but is held on the schools file, the school will seek consent of the third party before disclosing the information. This will be done within the 40 day timescale. If consent is not granted additional advice will be sought.
- The applicant will be told the data that the school holds, be given a copy of the data, be told the purposes for which it is processed and whether it has been shared with another party. Basic details about withheld data may be made as the Headteacher feels appropriate considering the child's welfare. The school will give details of who to contact in the case of a complaint.
- Where some data in a document cannot be disclosed a copy of the document will be made with the relevant data obscured, or the document may be retyped. In any event a copy of the full document (before obscuring) and the altered document should be retained together with the reason why the document was altered. This is so that in the event of a complaint a clear audit trail can be followed.
- Information may be provided by registered mail or on deposit at the school with an officer available to help the applicant. If the latter is used the occupant should have access to a photocopier. In considering the methods of delivery of data the views of the applicant should be considered. Any data that is difficult to read should be re typed.
- The school will monitor all requests and the 40 calendar day statutory timescale.
- The Act applies only to living individuals.
- As the school as CCTV this is registered with the Data Protection Agency.