



## DATA PROTECTION POLICY

**Plantsbrook School and Town Junior School** collect and use personal information about staff, pupils, parents and other individuals who come into contact with the schools. This information is gathered in order to enable them to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the schools comply with their 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 available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents. This Fair Processing Notice summarises the information held on pupils, why it is held and the other parties to whom it may be passed.

### **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. The Policy applies 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**

Plantsbrook School and Town Junior School are committed to maintaining the above principles at all times. The schools will:

- Inform individuals why the information is being requested 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, 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 staff are aware of and understand the policies and procedures.

### **Complaints**

Complaints will be dealt with in accordance with Plantsbrook Learning Trust'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 two years.

### **Contacts**

Any enquires in relation to this policy should be referred to the Headteacher of Plantsbrook School or the Headteacher of Town Junior School. The Headteacher of each school 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](http://www.ico.gov.uk) or telephone 01625 545745 3

## Appendix 1

### PLANTSBROOK LEARNING TRUST

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 (England) Regulations 2005 (as amended in 2016).

These procedures relate to subject access requests made under the Data Protection Act 1998.

#### Subject Access Request

1. Requests for information must be made in writing, including details of an email address, where possible, and be addressed to either Ms T Campbell at Plantsbrook School or Mrs A Smith at Town Junior School. If the initial request does not clearly identify the information required, further enquiries will be made by the appropriate school.

2. The identity of the person requesting the information 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 the production of one or more of the following:

- Passport
- Driving licence
- Utility bills showing the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

*This list is not exhaustive.*

**3. In line with advice from the Information Commissioner's Office (ICO), the requirement for a written request for access to information is not required in the following circumstances:**

- **An urgent request from the Police for the use of crime and detection purposes.**

**Example : Police need to contact a pupil's parents urgently.**

**This does not include routine crime enquiries – a written request is required in this instance.**

- **Urgent request from other Emergency Services.**

**Example: An ambulance has been called and paramedics need to contact the parents urgently.**

4. 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 will 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 give consent to the request for their records. Where the child is not deemed to be competent, an individual with parental responsibility or guardian will be asked to make the decision on behalf of the child.

4. The schools may make a charge for the provision of information, dependant upon the following:
- If the information requested contains the educational record, the amount to be charged will be dependant upon the number of pages provided, plus any postage costs.
  - If the information requested is personal information, which does not include any information contained within educational records, the charge will be up to £10.00.
  - If the information requested is only the educational record, viewing of this information will be free. Any copies required will be charged at the cost of the copying, plus any postage costs.
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 regarding the provision of some information; **therefore all information will be reviewed prior to disclosure.**
7. Third party information is defined as information which has been provided by another organisation or body, 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 person 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, additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place, 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. Any codes or technical terms will, therefore, need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, it should be retyped.
12. Information can be provided at the appropriate school with a member of staff on hand to help and explain matters, if requested, or provided at a face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems are required, registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chair of the Plantsbrook Learning Trust Board of Trustees (care of Plantsbrook School). The Chair will decide whether it is appropriate for the complaint to be dealt with in accordance with Plantsbrook Learning Trust's Complaints Policy.

Complaints which are not appropriate to be dealt with by Plantsbrook Learning Trust's Complaints Policy can be dealt with by the Information Commissioner. Contact details of both the Chair of the Board of Trustees and the Information Commissioner will be provided with the information disclosed.

**Contacts**

Any queries or concerns regarding the Data Protection Policy or any of the procedures contained within this document should be addressed to the Headteacher of either Plantsbrook School or Town Junior School.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk)