THE SHROPSHIRE GATEWAY EDUCTIONAL TRUST DATA PROTECTION POLICY

Author	Matthew Hayes
Review Cycle	Two Years
Date Approved	24.04.2016
Approved By	SGET Board
Next Review Date	April 2018

Contents

1.0 Background

The Shropshire Gateway Educational Trust and its schools collect and use personal information about staff, students, parents and/or carers and other individuals who come into contact with the Trust. This information is gathered in order to enable the Trust to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the organisation complies with its statutory obligations.

The Shropshire Gateway Educational Trust has a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) and to detail the information held and its use. These details are then available on the ICO's website: http://ico.org.uk.

The Trust also has a duty to ensure that its schools issue a Fair Processing Notice to all students/parents or carers which summarises the information held on students, why it is held and the other parties to whom it may be passed on.

2.0 Purpose

Under the Data Protection Act The Shropshire Gateway Educational Trust is required to ensure that its schools:

- only collect information that it needs for a specific purpose;
- keep it secure;
- ensure it is relevant and up to date;
- only hold as much as the school needs, and only for as long as it is needed;
- allow the subject of the information to see it on request.

This purpose of this policy is to ensure that personal information is managed correctly, securely and in accordance with the Data Protection Act 1998 and other related legislation. It will apply to all personal information regardless of the way it is collected, used, recorded, stored and destroyed.

3.0 Principles

In order to discharge its responsibilities The Shropshire Educational Trust requires its schools to ensure that personal data:

- is processed fairly and lawfully;
- is not further used in any manner incompatible with those original purposes;
- is accurate and, where necessary, kept up to date;
- is adequate, relevant and not excessive in relation to the purposes for which it is processed;
- is not kept for longer than is necessary for those purposes;
- is processed in accordance with the rights of data subjects under the DPA;
- is protected by appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage; and
- is not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information.

4.0 Definitions

- **processing** means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.
- **data subject** means an individual who is the subject of personal data or the person to whom the information relates.
- **personal data** means data, which relates to a living individual who can be identified.
- **parent** has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

5.0 Responsibilities

The Board of Directors have overall responsibility for compliance with the Data Protection Act within the Trust.

The Local Governing Body are responsible for ensuring compliance with the Data Protection Act and Trust policy with their respective school.

The Headteacher is responsible for ensuring compliance with the Data Protection Act and this policy within the day to day activities of the School.

All members of staff or contractors who hold or collect personal data are responsible for their own compliance with the Data Protection Act and must ensure that personal information is kept and processed in accordance with it and with the specific requirements of the Lacon Childe Data Protection Policy.

6.0 Fair Obtaining and Processing of data

Schools within the Trust undertake to obtain and process data fairly and lawfully by informing all data subjects of:

- the reasons for data collection;
- the purposes for which the data is held;
- the likely recipients of the data;
- the data subjects' right of access.

7.0 Data Integrity

Schools within the Trust undertake to ensure data integrity by the following methods:

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as is practicable.

Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle,

the School will check records routinely for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

Retention

Data held about individuals will not be kept for longer than necessary for the purposes registered.

8.0 Subject Access Requests (SAR)

The Data Protection Act extends to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the Trust's policy is that:

- Requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.
- SARS will be managed in line with ICO guidelines.[i]

9.0 Processing Subject Access Requests (SAR)

All requests for access must be made in writing (this includes via email).

Pupils, parents or staff may make a written request for information held on them to the Headteacher. Provided that there is sufficient information to process the request, an entry will be made in the a subject access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. student record, personnel record), and the planned date of supplying the information. Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

If a SAR is made for information containing, in whole or in part, a pupil's "educational record", a response will be provided within 15 school days.

If the SAR does not relate to any information that forms part of an educational record, a 40 day time limit for responding will apply.

In line with the ICO guidelines, schools within the Trust will make a charge for the provision of information; this charge will be dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.

- Should the information requested be personal information that does not include any information contained within educational records, the school can charge up to £10 to provide it.

10.0 Disclosures

Trust schools will, in general, only disclose data about individuals with their consent. However there are circumstances under which a school 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 form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the LEA are IT liaison/data processing officers, for example in the LEA, are contractually bound not to disclose personal data.

- Only authorised and trained staff 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 **need to know** the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else.

11.0 Physical and Computer Security

The Trust and its schools undertake to ensure security of personal data by the following general methods:

11.1 Physical Security

Appropriate building security measures are in place, such as alarms, window bars and deadlocks. Disks, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

Papers or files containing confidential personal information will not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access to that information.

11.2 Computer 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 on a daily basis.

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff are aware of their Data Protection obligations and their knowledge updated as necessary.

All portable electronic devices are kept as securely as possible both on and off school premises.

Trust schools will use encryption software to protect all portable devices and removable media, such as laptops and USB devices (or another form of memory storage not part of the computer itself) and all staff are responsible for ensuring that the storage of personal information complies fully with this policy.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

12.0 Photography and Video

Trust schools may wish to use photographs and videos for a wide range of purposes. In doing so the school will adhere to guidance set out by the ICO[ii]

The Data Protection Act is unlikely to apply in many cases where photographs are taken and fear of breaching the provisions of the act will not be wrongly used to stop parents and carers taking photographs or videos which provide many with much pleasure.

Where the Act does apply the photographer will ask for permission and this will be assumed to ensure compliance against the Trust's policy. Examples of where the act may apply are:

- Photographs of pupils or students taken for building passes.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus.
- A photograph is taken by a local newspaper of the school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act

13.0 Examination Results

Trust schools will, from time to time, wish to publish examination results. In doing so it will seek to follow the guidance set out by the ICO. [iii]

The school will make sure that people know:

- whether examination results will be made public
- how this will be done.
- In what order the information will be published (e.g. alphabetically or grade)

14.0 Implementation Plan

Is training required to implement this policy?	**Yes** ☐ **No** ☑
If Yes, how will this be delivered and by whom?	
To which groups of staff does this policy need to be issued?	*All school staff and Trustees.*
How will the policy be issued and by whom?	*Via email from Head teachers* *Via Chairs of LGB*
Date adopted by Local Governing Body:	
Signed:	

Appendix i – Lacon Childe School

1.0 CCTV

Lacon Childe School has CCTV cameras situated on the premises. The purpose of these cameras is:

- To protect the school buildings assets
- To increase personal safety and reduce the fear of crime and bullying
- To support the police in a bid to deter and detect crime
- To assist in identifying, apprehending and prosecuting offenders
- To protect members of the public and private property
- To assist in managing the school

In managing these cameras, the school adheres to guidelines set out by the ICO and will treat the system and all information, documents and recordings obtained and used as data which are protected by the Act.

1.2 Operation of the System

The scheme will be administered and managed by the Headteacher (System Manager), in accordance with the principles and objectives expressed in the ICO code. The day-to-day management will be the responsibility of both the Senior Leadership Team and the Premises Manager during the day and the Premises Team out of hours and at weekends. The CCTV system will be operated 24 hours each day, every day of the year. The Premises Manager will check and confirm the efficiency of the system and in particular that the equipment is properly recording and that cameras are functional.

1.3 Access

Access to the CCTV will be strictly limited to the SLT and the Premises Team. For the purposes of CCTV operation the premises office is the designated Control Room.

When monitoring screens are live:

- Visitors and other contractors wishing to enter the Control Room will be subject to particular arrangement; Control Room Operators must satisfy themselves over the identity of any other visitors to the Control Room and the purpose of the visit. Where any doubt exists access will be refused.

- If out of hours emergency maintenance arises, the Control Room Operators must be satisfied of the identity and purpose of contractors before allowing entry. A visitors' book will be maintained in the Control Room. Full details of visitors including time/data of entry and exit will be recorded.

There must always be at least one Control Room Operator present within the Control Room out of hours and weekends or the Control Room must be locked. During the working day when not manned the room must be kept secured.

2.0 Biometric recognition systems

As part of its catering provision, Lacon Childe School uses a biometric recognition system, in doing so the school will adhere to the advice set out by the Department for Education. The key principles being that the school will:

- Ensure that each parent of a child is notified of the school's intention to use the child's biometric data as part of an automated biometric recognition system.
- Ensure that the written consent of at least one parent is obtained before biometric data is taken from the child and used.

14.0 References

[i] http://ico.org.uk/for_organisations/sector_guides/~/media/documents/library/Data_Protection/Detailed_specialist_guides/subject-access-code-of-practice.pdf

[ii] http://ico.org.uk/for_organisations/sector_guides/~/media/documents/library/Data_Protection/Practical_application/TAKING_PHOTOS_V3.ashx

[iii] http://ico.org.uk/for_organisations/sector_guides/~/media/documents/library/Data_Protection/Practical_application/publication-of-exam-results-by-schools-dpa-guidance.pdf