



English Martyrs Catholic Primary School
"where everyone is special"



P80: Data Protection Policy

Mission Statement

With Christ at the heart of our Catholic community,
our mission is to:

- ✘ nurture the potential in each individual,
- ✘ celebrate achievement,
- ✘ and develop an awareness of service
to God and each other

Adopted by the school: 10th May 2016

Review: As needed

General Statement

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.

The Headteacher and Governors of this School intend to comply fully with the requirements and principles of the Data Protection Act 1988. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

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.

Enquiries

Information about the school's Data Protection Policy is available from the School Business Manager. General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 01625 545 745, website www.dataprotection.gov.uk).

Fair Obtaining and Processing

English Martyrs Primary School undertakes 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 are held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

“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. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.

“parent” has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

Registered Purposes

The Data Protection Registration entries for the School are available for inspection, by appointment, at the school office. Explanation of any codes and categories entered is available from the Headteacher who is the person nominated to deal with Data protection issues in the School. Registered purposes covering the data held at the school are listed on the school's Registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

Data Integrity

The school undertakes 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. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

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 regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Parent information is checked annually and pupil information kept for the duration of the pupil's attendance at the school. The decisions on what should be deleted are made by the Headteacher.

Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Headteacher to ensure that obsolete data are properly erased.

Subject Access

The Data Protection Acts extend 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 school'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.

Processing Subject Access Requests

Requests for access must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form, available from the School Office. Completed forms should be submitted to the Headteacher. Provided that there is sufficient information to process the request, an entry will be made in the 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 (eg Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 15 days from the request date). 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.

Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

Authorised Disclosures

The School will, in general, only disclose data about individuals with their 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 eg 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 – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

A **“legal disclosure”** is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An **“illegal disclosure”** is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes.

Data and Computer Security

English Martyrs Primary School undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

Physical Security

Appropriate building security measures are in place, such as alarms, window bars and deadlocks. Only authorised persons are allowed in the staff room. 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. The school has a biometric finger identification system which allows staff to enter and site via the school office and the double doors exiting the main building. The fingerprint stored information is solely for this purpose only and will not be used in any other manner. Once a member of staff leaves the school this information is removed from the system.

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 (ie security copies are taken) regularly.

Procedural Security

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All office and teaching staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Overall security policy for data is determined by the Governing Body and is monitored and reviewed regularly,

especially if a security loophole or breach becomes apparent. The School's security policy is kept in a safe place at all times.

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

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.

Further details on any aspect of this policy and its implementation can be obtained from:

ACCESS TO PERSONAL DATA REQUEST

DATA PROTECTION ACT 1998 Section 7.

Enquirer's Surname.....Enquirer's Forenames.....

Enquirer's Address
.....
.....
.....

Enquirer's Postcode

Telephone Number

Are you the person who is the subject of the records you are enquiring about YES / NO
(i.e. the "Data Subject")?

If NO,

*Do you have parental responsibility for a child who is the "Data Subject" of the YES / NO records
you are enquiring about?*

If YES,

Name of child or children about whose personal data records you are enquiring
.....
.....

Description of Concern / Area of Concern

Description of Information or Topic(s) Requested (In your own words)

Additional information.

Please despatch Reply to: *(if different from enquirer's details as stated on this form)*

Name

Address

Postcode

DATA SUBJECT DECLARATION

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent)

Name of "Data Subject" (or Subject's Parent) (PRINTED).....

Dated

PRIVACY NOTICE

For English Martyrs School

Privacy Notice - Data Protection Act 1998

We **English Martyrs School** are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use(s) of the Local Authority. Data may also be passed directly to the Local Authority.

If you want to see a copy of the information we hold and/or share about you, please contact:
English Martyrs Catholic Primary School, 01788 543423

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

<http://www.warwickshire.gov.uk/Web/corporate/pages.nsf/Links/9FF1D7D8621B3C248025705F00487872>

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/ims/datamanagement/b00212337/datause/sharingdata>

If you are unable to access these websites please contact the LA or DfE as follows:

Business Intelligence (Children's)
Strategic Commissioning – People Group,
Saltisford Office Park,
Ansell Way, Warwick, CV34 4UL
Website: www.warwickshire.gov.uk
Email: CSS@warwickshire.gov.uk

Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

¹ Attendance is not collected for pupils under 5 at Early Years Settings or Maintained Schools as part of Censuses for the Department for Education.