

Edwalton Primary School

Data Protection Policy 2017

Approved by Governing Body

22nd March 2017

Due for review

March 2019

Aims & Objectives

The aim of this policy is to provide a set of guidelines to enable staff, parents and pupils to understand:

- The law regarding personal data.
- How personal data should be processed, stored, archived and deleted/destroyed.
- How staff, parents and pupils can access personal data.

The objective of the policy is to ensure that the school acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data, and when making it available to individuals, and that the process of responding to enquiries for other information is also legal under the Freedom of Information Act 2000 (in force from 1st January 2005).

Data Protection – The law

- Under the Data Protection Act 1998, and other regulating acts, access to their own personal information is a statutory right for pupils (if they are of an age to understand the information they request) and parents (as defined in the Education Act 1996) may also request access to their child's personal data.
- School staff have a right of access to personal data on themselves.

- Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinions.
- Personal data should always be kept securely and protected by passwords if it is electronic, and access to it should only be by those authorised to see it – confidentiality should be respected. The law also provides that personal data should not be kept longer than is required.
- Third party data (information about someone other than the requesting individual) should in general only be provided with their permission.
- There should be a named person with overall responsibility for personal data within each school. At Edwalton Primary School this is the Head Teacher.

Processing, storing, archiving and deleting personal data: Guidance

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools.
- School records for a child should be kept for 7 years after the child leaves the school, or until the child reaches 25 years of age (whichever is greater) and examination records the same.
- Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Principal and with the knowledge, and if possible the agreement of the staff member concerned.

Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc.) these records should be retained by the school.

- Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.
- All formal complaints made to the Principal or School Governors will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

Accessing personal data: Guidance

- A child can request access to his/her own data. The request is not charged and does not have to be in writing. The staff will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion.
- A parent can request access to or a copy of their child's school records and other information held about their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a charge for photocopying records. This is at the discretion of the Principal and is detailed in guidance available from the Information Commissioner. Staff should check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force.
- Parents should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, most children will have a sufficient understanding by the age of 12. Parents are encouraged to discuss and explain any request for information with their child if they are aged 12 or over.

- Separately from the Data Protection Act, The Education (Pupil Information) (England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. Parents who wish to exercise this right must apply to the school in writing.
- For educational records (unlike other personal data; see below) access must be provided within 15 school days, and if copies are requested, these must be supplied within 15 school days of payment.
- Staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of records.
- The law requires that all requests for personal information are dealt with within 40 days of receipt except requests for educational records (see above). All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the school will arrange access to those documents already available, and notify the individual that other documents may be made available later.
- In all cases, should third party information (information about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff which is exempt from a requirement for third party consents. If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released.
- Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data.

From 1st January 2005, when the Freedom of Information Act came into force, a request for personal information can include unstructured as well as structured records – for example, letters, emails etc. not kept within an individual's personal files, or filed by their name, but still directly relevant to them. If these would form part of a wider record it is advisable to file these within structured records as a matter of course and to avoid excessive administrative work. These can be requested if sufficient information is provided to identify them.

- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.
- The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

Fair processing of personal data: Data which may be shared

Schools, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the education system, and in doing so have to follow the Data Protection Act 1998. This means that, among other things, the data held about pupils must only be used for specific purposes allowed by law. The school has a Fair Processing or Privacy Notice which explains how personal data is used and with whom it will be shared. This Notice is published to parents and pupils on the school website.

The Local Education Authority uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil may have. It also uses the information to derive statistics to inform decisions on, for example, the funding of schools, and to assess the

performance of schools. The statistics are used in such a way that individual pupils cannot be identified from them.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves.

If your child wishes to access their personal data or you wish to do so on their behalf, then please contact the relevant organisation in writing:

- the School:
Edwalton Primary School
Wellin Lane
Edwalton
Nottingham
NG12 4AS
office@edwalton.notts.sch.uk; head@edwalton.notts.sch.uk

- The Flying High Trust (www.flyinghightrust.co.uk)

- the Local Authority's Data Management Team:

Children, Families & Cultural Services Nottinghamshire County Council County Hall,
West Bridgford,
Nottingham,
NG2 7QP
Email: data.collections@nottsc.gov.uk

Reviewing

This guide and policy will be reviewed, and updated if necessary every two years. The Freedom of Information publication scheme will be reviewed regularly, with staff checking if they add a new piece of recorded information to the school's portfolio that this is covered within the scheme.

SCHOOL PRIVACY NOTICE

What is a Privacy Notice?

The purpose of a Privacy Notice is to explain how you and your family's personal information may be used. It details why we collect information and who we may share it with.

Who are we?

We, Edwalton Primary School are part of the Flying High Trust who is the Data Controller for the purposes of the Data Protection Act 1998. We collect information from you and your family and may receive information about you and your family from your previous school and the Learning Records Service.

Why is information collected?

The reasons we keep records about you and your family are to:

- Support teaching and learning;
- Monitor and report on progress;
- Provide appropriate pastoral care,
- Give the best possible service,
- Provide statutory services (e.g. assessment for free school meals eligibility),
- Safeguard Children and Young People from harm,
- Assess how well schools are doing.

What information is collected?

Information that may be collected includes contact details, national curriculum assessment results, attendance information (1) and personal characteristics such as ethnic group, special educational needs and any relevant medical information. If you / your child 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 / your child have undertaken.

Who may my/my family's information be shared with?

We will not give information about you or your family 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 of your/your child's information to Nottinghamshire County Council and the Department for Education (DfE). Nottinghamshire County Council uses information about children for whom it provides services, to enable it to carry out specific functions for which it is responsible. These functions may include the assessment of any special educational needs a child may have, assessment for free school meals eligibility, support the process of admissions to schools and provide information for children, young people and family support services. The Council also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them.

Nottinghamshire County Council may also share information, when appropriate and within the legal framework, with other organisations for example:

- Primary Care Trusts (PCT).
- Police forces.
- Provider of youth support services in your area.
- Other local authorities if you live in their area.
- Further educational colleges.

Organisations have a legal right to share information when it is in the best interests of the child or young person.

Sometimes we have a duty (2) to share information and would need to justify why we did not. However, we only share information with professionals who have a legitimate need in order to provide you or your family with support or an intervention. If you require more information about how the Local Authority (Nottinghamshire County Council) and the DfE store and use your information, then please go to the following websites:

<http://www.nottinghamshire.gov.uk/learning/schools/child-data-security/>
<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

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

Nottinghamshire County Council

Data Management Team
Children, Families & Cultural Services
Nottinghamshire County Council
County Hall, West Bridgford,
Nottingham, NG2 7QP
Email: data.collections@nottscc.gov.uk

Department for Education

Public Communications Unit
Department for Education
Sanctuary Buildings, Great Smith Street
London, SW1P 3BT

Website: www.education.gov.uk

Email: <http://education.gov.uk/help/contactus>

Telephone: 0370 000 2288

Once a child is aged 13 or over we are required to pass on certain information to the provider of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the address of all pupils and their parents (and date of birth) and any further information relevant to the support services' role (e.g. school name, ethnicity and gender). However, until a child is aged 16 or older, their parent(s) can ask that no information beyond a child's name, address and date of birth (and parent's name and address) be passed on to the youth services provider. This right transfers to the child on their 16th birthday. Please inform the Head Teacher or School Business Manager, Edwalton Primary School, if you wish to opt-out of this arrangement. For more information about young peoples' services, please go to the 'Directgov' Young People page at www.direct.gov.uk/en/YoungPeople/index.htm or the LA website shown above.

Can I see the information held about me and my family?

Under the Data protection Act 1998 you and your family are entitled to know what information is held about you. If you want to see a copy of the information we hold and share about you and your family then please contact the Head Teacher or School Business Manager, Edwalton Primary School.

What can I do if the information held is incorrect?

If you suspect that you or your family's information is out of date or incorrect you have a right to request that the data is amended. To do so, please contact the Head Teacher or School Business Manager, Edwalton Primary School.

Want to know more?

If you have any further questions about information sharing within Nottinghamshire schools or Nottinghamshire County Council please contact:

Data Management Team

Children, Families & Cultural Services

Nottinghamshire County Council

County Hall, West Bridgford

Nottingham, NG2 7QP

Email: data.collections@nottscc.gov.uk

For independent advice about data protection, privacy and information sharing issues you can contact: The Information Commissioner - 08456 30 60 60 <http://www.ico.gov.uk>