# logoBRONINGTON VOLUNTARY AIDIED PRIMARY SCHOOL

**POLICY FOR**

**Mission Statement**

**To love and care for each member of our school family; aspire to the highest standards and become all that God wants us to be.**

**Core Values**

**respect humility faith friendship compassion thankfulness trust**

**Rationale**

This Policy sets out practical guidance procedures together with attainable technical, operational practices which, the school employs in its aim to reduce the risks of personal information security breaches and fulfil the wider obligations of the Data Protection Act 1998 (the Act).

## Personal Data

The Data Protection Act applies to personal data or information (in respect of a living person) held on a computer or in paper files. Stricter rules apply to sensitive personal data which would include, but is not limited to special educational needs, health (mental or physical), religious beliefs, racial or ethnic origin and criminal offences.

The school holds personal data belonging to the following Data Subjects:

* Pupils (former pupils)
* Staff (former staff)
* Governors (former governors)
* Parents
* Carers
* Members of the public (e.g. who have made a complaint against a school)

## Notification

Schools are data controllers of personal information for the purposes of the Act. As such the school notifies the Information Commissioner’s Office that it is processing personal information.

Notification provides the regulator with details in respect of the personal being processed and is completed online https://[www.ico.gov.uk/onlinenotification/?page=7.html.](http://www.ico.gov.uk/onlinenotification/?page=7.html)

## Roles and Responsibilities

The school seeks to take such “reasonably practicable” steps to minimise the risks of non-compliance. This Guidance therefore seeks to highlight those basic, yet essential steps necessary for schools to fulfil their obligations under the Act.

Miss Hockenhull, Admin and Mrs Birkinshaw, Headteacher are responsible for ensuring all staff are aware of the principles and adhere to guidelines. The school aims to:

* Minimise or reduce the risks of a data breach
* Demonstrate that it has considered the implications & importance of data security and has implemented all reasonably practicable measures
* Raises staff awareness of the importance of data security

Each member of staff working within a school has a shared and collective responsibility to ensure sensitive and personal information is used, stored and shared in a secure manner. Staff engaged in the processing of personal information will receive adequate training, guidance and assistance to help them fulfil their obligations under the Act.

## Nature of Personal Information Held

### *Pupil:*

* individual files in filing cabinet in school admin office- key from Admin Officer for class teacher only
* SIMs PLASC accessed by Head & Admin only, via password
* Tracking data NFER for each child - paper in Heads office.
* Tracking data Excel for each child - on password protected memory sticks held by class teacher and on staff only drive of server- password protected
* Safeguarding, Equality & Bullying/Behaviour, Complaints Logs -paper in Head teacher’s office [locked out of session].
* Emergency contact details in file in office- locked in office cupboard Medical information for all staff in case of emergency- in staffroom
* SEN – locked cupboard in the staff room

### *Staff:*

* Application data & references -paper in Heads office locked in filing cabinet
* Appraisal information - paper in Heads office locked in filing cabinet / on Office PC-
* password protected Head/Deputy Head
* Emergency Contact details locked in office steel cupboard
* Email contacts- on Outlook email, which is password protected

### *Governors:*

* Contact details in GB file- locked in heads office / on Outlook email, which is password protected

### *Parents/Carers:*

* SIMs PLASC accessed by Head & Admin only, via password
* Emergency contact details in office- locked in office cupboard
* Safeguarding, Equality & Bullying/Behaviour, Complaints Logs - paper in Head’s office in locked filing cabinet
* SEN – background information locked cupboard in the ALNCo’s room

## Members of the public:

* Complaints Logs -paper in Heads office locked in cupboard or on headteacher’s email acoount – password protected.

This information is only shared with appropriate personnel: within the school (SEN Coordinator/Child Protection etc); external agencies in support of pupil’s safety (Education Welfare Officer, Pupil Support & Children First) and for all cases the identity of the person will be confirmed first.

Data is kept for recommended guidelines & disposed of via shredding/burning of bits or wiping via ICT technicians.

## DATA PROTECTION ACT PRINCIPLES

**Principle 1**

Information should be processed fairly and lawfully and only in circumstances set out in the Act

The Fairness aspect of the 1st Principle requires the Data Controller (the school), to issue all Data Subjects (pupils, staff, governors and parents) with a Fair Processing Notice, or FPN.

The school inform the Data Subject (pupil, staff, governor or parent) of the purpose or purposes for

collecting their personal information. The school is required to inform at this collection stage, who they will be sharing the information with.

## Principle 2

Information should be processed for the purpose or purposes originally specified and not for any unrelated purposes.

Once obtained, the personal information should only be used for the purpose or purposes originally stated to the pupil, member of staff, governor or parent.

## Principle 3

Information should be adequate, relevant and not excessive

## Principle 4

Information should be accurate and up to date

## Principle 5

Information should not be retained for longer than is necessary

The Limitation Act 1980 allows twenty five years to bring a claim against a school, thus providing a legal justification to retain personal information for that period of time.

For Retention and Deletion the school refers to <http://www.irms.org.uk/download/789>

## Principle 6

Information should be processed in accordance with the legal rights of the Data Subject

The Data Protection Act entitles individuals to legal rights which, when exercised may in certain

circumstances allow them to control the manner in which the school processes their personal information. Individuals may ask the school for details of the information the school holds about them. This is known as a Subject Access Request (SAR).

Schools would normally receive such requests from pupils, staff, governors or parents.

If the information being held is incorrect the Data Subject may request that the school rectify the information.

A SAR must be made in writing and be accompanied by a £10 fee. The school requests evidence in respect of the Data Subject’s identity.

The school will have forty calendar days to respond. However, if the request involves information held in an educational record, then the school must process the request within fifteen school days as this would be covered by the Education (Pupil Information) Regulations 2004.

Once a request is received it should be referred to the schools Information Asset Owner or Data Protection Officer.

Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong, for example, to a parent or guardian. So it is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility. Please note that whilst they may have capacity to consent to sharing their personal data with others, they may still not fully understand the implications of doing so.

## Principle 7

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against loss, destruction or damage of such data.

The school ensures appropriate security measures to prevent personal information from being compromised (lost, misplaced, stolen or destroyed).

* The school’s premises alarmed & data locked away
* The computer systems being operated by the school are all password protected
* The school’s equipment i.e. computers, laptops & electronic storage devices are wiped by the Vale ICT technician before being destroyed or reused elsewhere
* Staff adhere to the school’s practices and procedures in respect of personal information. For example: sharing information with third parties; home working; staff awareness of the Data Protection Act.

## Principle 8

Do not transfer personal data outside the European Economic Area unless the destination country can adequately protect personal data. (ie not emailing information or keeping on servers not based in UK)

Local Authority email facilities are managed locally. Third-party email solutions and online storage provided by organisations such as Virgin, Sky, Google, Yahoo, Hotmail or AOL could be located outside of the EEA.

The school obtains the Data Subjects consent for their details to be posted on your website. This applies to pupils as well as individual staff members.

## CCTV

CCTV is not used

## Photographs / Media Images of Children

The Data Protection Act does not prohibit taking photographs of the children by family members, such as parents, grandparents and carers. In regards to the Data Protection Act, it is acceptable for parents to take photographs during the school sports day or music concert. Section 36 of the Act exempts personal information processed for domestic purposes.

Consent is obtained from all parents/carers prior to the school taking photographs for official purposes such as I.D. Cards, Prospectus or for publicity purposes. Parents are informed that photography for media and/or promotional purposes occurs periodically and that they should advise the head teacher if they wish their child to be excluded from these activities. It is advisable that a paragraph to this effect is included in any school prospectus produced for prospective/existing pupils/parents.

Under the DPA 1998, individuals have rights in relation to the use of their photo, the most relevant being their right to withdraw consent to its publication at any time and their right not to have it used for any purpose other than that stated clearly on the consent form, e.g. display on the Web site, use in promotional literature etc.

Pupils’ names should not be included in any photograph that may be accessed by the public.

## Audit Check List

1. Has the school notified the Information Commissioner’s Office of the nature and type of information it is processing?
2. Has this guide been circulated to all staff?
3. Has the school appointed an Information Asset Owner or Data Protection Lead?
4. Does the school provide a Privacy Notice or Fair Processing Notices to individuals at the time of collecting personal information?
5. Does the school regularly evaluate the accuracy of the information it retains?
6. Does the school have recognisable and accessible Retention Schedules?
7. Are all computers, laptops, USB memory sticks and other storage devices, such as discs using approved encryption technologies?
8. Is personal information removed from the premises? For example, for the purposes of working from home, are staff aware of their obligation to keep this information secure?
9. Is the information retained in paper files stored securely?
10. Is sensitive or confidential information subject to restricted access?
11. Is personal information disposed of in a secure manner?
12. Does the school send personal information to any third party organisations? If so, the school must have a written agreement with that third party confirming that the information (being shared) is kept securely and that it will only be used in accordance with the school’s instruction.
13. Has the Data Protection Lead member of staff received an appropriate level of training in respect of the Data Protection Principles?
14. Has the Data Protection Lead provided training to the staff at your school? As a guide, the ICO recommends staff undertake approximately 1.5 to 2 hours training annually.

## Monitoring & Review

The Headteacher will ensure that staff are annually updated with any changes to the policy and that all new staff are trained in compliance. The staff handbook contains a section on Data Protection for Volunteers, students or supply staff.

Any staff member failing to comply with the policy may be subject to disciplinary procedures. From 6th April 2010 the Information Commissioner can impose a fine of up to £500,000 for a substantial breach of the Data Protection Act where the breach is deemed to have caused serious damage or distress

**Privacy Notice:** What the School, Local Authority and Welsh Assembly Government does with information it holds on Pupils.

## Subject:

To meet the requirements of the Data Protection Act 1998, schools are required to issue a Privacy Notice to pupils and/or parents summarising the information held on record about pupils, why it is held, and the third parties to whom it may be passed.

This Privacy Notice provides information about the collection and processing of pupils’ personal and performance information by the Welsh Assembly Government, Vale of Glamorgan Local Authority (LA) and Holton Primary School.

## The collection of personal information

The school collects information about pupils and their parents or legal guardians when they enrol at the school. The schools also collect information at other key times during the school year. Information is also received from other schools when pupils transfer.

The School processes the information it collects to administer the education it provides to pupils. For example:

* + the provision of educational services to individuals;
  + monitoring and reporting on pupils’ educational progress;
  + the provision of welfare, pastoral care and health services;
  + the giving of support and guidance to pupils, their parents and legal guardians;
  + the organisation of educational events and trips;
  + planning and management of the school.

## Welsh Assembly Government (WAG) & Local Authority (LA)

The Welsh Assembly Government receives information on pupils normally as part of what is called the Pupil Level Annual Schools Census (PLASC). The Welsh Assembly Government uses this personal information for research (carried out in such a way that ensures individual pupils cannot be identified) and for statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. Examples of the sort of statistics produced can be viewed at [www.wales.gov.uk/statistics](http://www.wales.gov.uk/statistics)

The LA also uses the personal information collected via PLASC to do research. It uses the results of this research to make decisions on policy and the funding of schools, to calculate the performance of schools and help them to set targets. The research is carried out in such a way that ensures individual pupils cannot be identified.

In addition WAG and LAs receive information regarding National Curriculum assessment and Public Examination results and attendance data at pupil level.

## Personal information held

The sort of personal information that will be held includes;

* + personal details such as name, address, date of birth, pupil identifiers and contact details for parents and guardians;
  + information on performance in internal and national assessments and examinations;
  + information on the ethnic origin and national identity of pupils (this is used only to prepare summary statistical analyses);
  + details about pupils’ immigration status (this is used only to prepare summary statistical analyses);
  + medical information needed to keep pupils safe while in the care of the school;
  + information on attendance and any disciplinary action taken;
  + information about the involvement of social services with individual pupils where this is needed for the care of the pupil.

## Organisations who may share personal information

Information held by the School, LA and the Welsh Assembly Government on pupils, their parents or legal guardians may also be

shared with other organisations when the law allows, for example with;

* + other education and training bodies, including schools, when pupils are applying for courses, training, school transfer or seeking guidance on opportunities;
  + bodies doing research for the Welsh Assembly Government, LA and schools, so long as steps are taken to keep the information secure;
  + central and local government for the planning and provision of educational services;
  + social services and other health and welfare organisations where there is a need to share information to protect and support individual pupils;
  + various regulatory bodies, such as ombudsmen and inspection authorities, where the law requires that information be passed on so that they can do their work.

Pupils have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any “data controller”. The presumption is that by the age of 12 a child has sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request of child’s behalf if the child is younger.

If you wish to access your personal data, or that of your child, then please contact the relevant organisation in writing. Details of these organisations can be found on the following website

<http://www.wrexham.gov.uk.gov.uk>

or for those pupils/parents where this is not practical, a hard copy can be obtained from the school secretary.

## Pupils Aged 14 or Over

The information you supply will be used by the Chief Executive of Skills Funding, to issue you with a Unique Learner

Number (ULN), and to create your Personal Learning Record. Further details of how your information is processed

and shared can be found at [http://www.learningrecordsservice.org.uk/learnparent/.](http://www.learningrecordsservice.org.uk/learnparent/)

## Other information

The Welsh Assembly Government, LA and school place a high value on the importance of information security and have a number of procedures in place to minimise the possibility of a compromise in data security.

The Welsh Assembly Government, LA and School will endeavour to ensure that information is kept accurate at all times. Personal information will not be sent outside the United Kingdom.

## Your rights under the Data Protection Act 1998

The Data Protection Act 1998 gives individuals certain rights in respect of personal information held on them by any organisation. These rights include;

* + the right to ask for and receive copies of the personal information held on you, although some information can sometimes be legitimately withheld;
  + the right, in some circumstances, to prevent the processing of personal information if doing so will cause damage or distress;
  + the right to ask for wrong information to be put right;
  + the right to seek compensation if an organisation does not comply with the Data Protection Act 1998 and you person suffer damage;
  + in some circumstances a pupil’s parent or legal guardian may have a right to receive a copy of personal data held about a pupil in their legal care. Such cases will be considered on an individual basis where the individual is deemed to have insufficient understanding of their rights under the Act.

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act 1998, to assess

whether or not the processing of personal information is likely to comply with the provisions of the Act.

## Seeking further information

For further information about the personal information collected and its’ use, if you have concerns about the accuracy of personal information, or wish to exercise your rights under the Data Protection Act 1998, you should contact;

 the school on01948 780283;

 your LA on 01978 292039;

* the Welsh Assembly Government’s data protection officer at, The Welsh Assembly Government,

Cathays Park, Cardiff, CF10 3NQ;

* the Information Commissioner’s office help line can be contacted on 01625 545 745;
* information is also available from [www.ico.gov.uk](http://www.ico.gov.uk/)

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| **Monitoring and Review** | |
| Author | A Birkinshaw |
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| Head teacher’s signature and date |  |
| Chair of Governor’s signature and date |  |