

2014 - 2017

Data Protection Policy

Llanishen High School

This document contains the specific policy and associated information relating to the Data Protection Act at Llanishen High School

Responsible staff member: Mrs. L. Stringer
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Rationale

One of our five published goals is to “Encourage respect, treating each other with dignity and courtesy”. This policy applies to all staff and students of the school. Other agencies and individuals, who work with the school and have access to personal information, are expected to read and comply with this policy. Through this policy we endeavour to:

- Encourage pupils to ensure that their personal information is kept securely;
- Ensure that all staff in school comply with the Data Protection Act 1998 and other related legislation;
- Make clear to parents/carers and other stakeholders that the principles laid down in the Act are followed at Llanishen High School.

Introduction

The school collects and uses certain types of personal information about staff, students, parent/carers and other individuals who come into contact with the school. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

This policy is intended to ensure that personal information must be dealt with properly and securely and in accordance with the Data Protection Act 1998 and other related legislation. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

Data Protection Principles

The Eight Data Protection Principles as laid down in the 1998 Data Protection Act must be followed at all times:

1. Data must be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specific and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed;
4. Personal data shall be accurate and where necessary kept up to date;
5. Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose;
6. Personal data shall be processed in accordance with the rights of data subjects under the 1998 Data Protection Act;
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
8. Personal data shall not be transferred to a country outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The school's role

The school is committed to maintaining those principles at all times. This means that the school will:

- tell you what purposes we will use information for when we collect it;
- if information will be shared we will tell you why, with whom and under what circumstances;
- check the quality and accuracy of the information we hold;

- apply our records management policies and procedures to ensure that information is not held longer than is necessary;
- ensure that when information is authorised for disposal it is done appropriately;
- ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or on our computer system;
- share personal information with others when it is necessary and legally appropriate to do so;
- set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection Act;
- train our staff so that they are aware of our policies and procedures.

Dealing with a Data Protection Request

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998. Anybody who makes a request to see their file or their child's file or other personal data held on them is making a request under the Data Protection Act 1998. All information relating to the child including that held in books, diaries and on electronic systems and email should be considered for disclosure. There is a statutory exception to the above, where parents do have an automatic right to access defined materials under Pupil Information (Wales) Regulations, 2011. The school will observe these statutory rights. If there is a current court order, which relates to information regarding any child, that order must, regardless of other circumstances, be observed.

The following applies to any request made for data:

1. A request under the Data Protection Act must be made in writing;
2. In many cases a letter to the Headteacher will be sufficient to identify the Information required. If the information required cannot be identified from the initial request then the applicant will be contacted for clarification;
3. The Headteacher must be confident of the identity of the individual making the request. This could be done by checking signatures against verified signatures on file or by asking the applicant to produce valid identification, such as a passport or photo-driving license. These checks should be done in addition to proof of relationship with the child;
4. Under the Data Protection Act, individuals only have the automatic right to access information about themselves. However, requests from family members, carers or parents of a minor may also be considered. The Headteacher has responsibility for ensuring the child's welfare is appropriately considered in deciding whether to comply with a request. The requester will have to prove both their relationship with the child and that disclosure is in the child's best interests to the satisfaction of the Headteacher. In the event of a child having sufficient capacity to understand, (normally age 12 or above), the Headteacher should discuss the request with the child and take their views into account when making a decision. There may be circumstances in which a child can refuse their consent to a request;
5. The school may charge a statutory fee, currently calculated on a sliding scale, but only if a permanent copy of the information is provided. If a letter is sent out requesting a fee the 40-calendar day statutory timescale [to provide the information] does not begin until the fee is received. It is important though that no request is delayed unnecessarily by time taken to inform the applicant of a fee;
6. The school will make use of exemptions under the Act as appropriate. All files must be reviewed before any disclosure takes place. Under no circumstance will access be granted immediately or before this review process has taken place;
7. Where information has been provided to the school by a third party, for example by the local authority, the police, a health care professional or another school, but is held on the school's file it is usual to seek the consent of the third party before disclosing information. Even if the third party does not consent, or consent is explicitly not given, the data may be disclosed. In these cases, it may be appropriate to seek additional advice;
8. The applicant should be told the data that the school holds, be given a copy of the data, be told the purposes for which it is processed and whether it has been shared with any other party. It is good practice to explain whether data has been

withheld and if so why. (There may be circumstances where this is not appropriate; the Headteacher should at all times consider the welfare of the child.) The school should also give details of who to contact in the event of a complaint and the details of the Information Commission who can provide independent information;

9. Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or parts of the data can be retyped if this is more sensible. In any event, a copy of the original document and any altered document should be retained together with the reason why the document was altered. This is so that in the event of a complaint, there is an audit trail of what was done and why;
10. Information can be provided by post (registered mail) or on deposit at the school with a member of staff available to help the applicant. If the latter the applicant must have access to a photocopier in case they want a permanent copy of their data. In considering the method of delivery the views of the applicant should be taken into account. Any codes, technical terms or abbreviations should be explained. Any data which is difficult to read or illegible should be retyped;
11. Schools should monitor the number of requests received and document whether they are dealt with within the 40-calendar day statutory timescale;
12. The Act applies only to living individuals.

Responsibilities

- All staff, pupils, parents and carers are required to comply with the Data Protection Act and this policy when handling personal data.
- All are obliged to keep the school informed of any changes or inaccuracies so that the school can maintain accurate records.
- The school will audit the accuracy of the data it holds on a termly basis. Parents/carers are able to check their personal details on the school system via SIMS learning Gateway, (the school's management information system for parents).
- Staff must ensure that any personal data is kept securely and be aware that the policy also applies to entries made on SIMS (the school's management information system) and email.
- Personal information must be kept locked away, or be password protected.

Sensitive Data

Sensitive personal data is information that relates to race and ethnicity, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexuality and criminal offences. The difference between processing personal data and sensitive personal data is that there are greater legal restrictions on the latter.

It is sometimes necessary to process sensitive personal data to ensure that the school community is a safe place and to comply with other school policies, e.g. the equality policy, anti-bullying policy. The school also uses CCTV to help maintain safety. Recordings are held securely for up to 10 days.

Publications

The following information will be published:

- Lists of staff and their email addresses;
- Awards;
- Examination results;
- Staff photographs;
- Pupil photographs (permission will be obtained before publication);
- School prospectus;
- Learning pathways booklets;
- Governors' Annual Report;
- Newsletters

Further information about publications is given in the school's Freedom of Information Policy.

Complaints

Complaints about this procedure should be made to in accordance with the school's complaints procedure which is published on the school's website: www.llanishen.cardiff.sch.uk. Any complaints not dealt with under the school's complaint procedure should be forwarded in writing to the Information Commissioner.

If you have any queries in relation to this policy, please contact the Headteacher who will also act as the contact point for any subject requests.

Further advice and information is available from the Information Commissioner's Office at the following website address:

www.ioc.org.uk

Linked policies:

Freedom of Information Policy

Equality Policy

Anti-bullying Policy

Child Protection Policy