

2018/2019

Data Protection Policy Llanishen High School

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

Responsible staff member: Mr Lee G Humphreys
Approved by Governing Body: May 2018
To be reviewed: May 2019



Data Protection Policy

Section 1 : Introduction

1.1 Llanishen High School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable the school to provide education and other associated services. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

1.2 The schools has a duty to inform individuals including parents and pupils of the information that it holds. This advice should summarise why the information is held and identify any other parties to whom it may be passed. The schools will advise individuals in concise, transparent, plain language and free of charge by means of a document known as a Privacy Notice.

1.3 The Data Protection Officer for Llanishen High School is Katie England who can be contacted at SchoolsInformationManagement@cardiff.gov.uk Queries relating to data protection can also be addressed to Lyndon Brennan, Deputy Head Teacher, Llanishen High School on 02920680800.

Section 2 : Purpose of the Policy

2.1 This policy is designed to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulation (GDPR), and other related legislation. It applies to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

2.2 All staff involved with the collection, processing and disclosure of personal data are required to adhere to these guidelines so as to discharge their duties and responsibilities under the Regulation.

Section 3 : Personal Information

Personal information or data is defined as data that relates to a living individual who can be identified from that data, or other information held as defined within the GDPR.

Section 4 : General Data Protection Regulation (GDPR)

Principles:

The GDPR establishes six enforceable principles that must be adhered to at all times. Accordingly information must be:

- ⤴ Processed fairly, lawfully and in a transparent manner
- ⤴ Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- ⤴ Adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed
- ⤴ Accurate and where necessary kept up to date
- ⤴ Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- ⤴ Processed in a manner that ensures appropriate security of the personal data

Section 5 : General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- ⤴ Inform individuals why the information is being collected when it is collected
- ⤴ Inform individuals when their information is shared, and why and with whom it was shared
- ⤴ Check the quality and the accuracy of the information it holds
- ⤴ Ensure that information is not retained for longer than is necessary
- ⤴ Ensure that when obsolete information is destroyed it is done appropriately and securely
- ⤴ Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- ⤴ Share information with others only when it is legally appropriate to do so
- ⤴ Set out procedures to ensure compliance with the duty to respond to requests for access to personal information (see section 6 below),
- ⤴ Ensure staff are aware of and understand our policies and procedures
- ⤴ Ensure staff are provided with adequate training and support.

Section 6 Rights of access to information

6.1 There are two distinct rights of access to information held by schools about pupils:

- ⤴ Under the GDPR any individual has the right to make a request to access the personal information held about them.
- ⤴
- ⤴ The right of those entitled to have access to curricular and educational records as defined within the Pupil Information (Wales)

Regulations 2011. i.e. an employee of the maintaining local authority including school staff, the pupil and a parent or guardian of the pupil.

6.2 The GDPR provides the following rights for individuals:

The right to be informed

The school must provide concise, transparent, intelligible and easily accessible information about the processing of personal data to individuals by means of a document known as a Privacy Notice. This must be written in clear plain language and clearly set out how personal data is processed within the school and the purposes for which it is used.

The right of access

The school must provide individuals with access to their personal data and supplementary information. A request for this will be processed as a subject access request. Subject access requests are handled free of charge and processed in line with the statutory requirements and timeframes.

The right to rectification

The school is committed to rectifying personal data if it is inaccurate or incomplete and notifying any relevant third parties of this.

The school will respond to a request for rectification within one month of receiving the request. If the request is deemed complex it will be responded to within two months.

If the school cannot take action in response to a request for rectification we will provide a written explanation for this and the applicant will then have a right to complain to the school's data protection officer.

The right to erasure

The school will consider individual requests for deletion or removal of personal data where there is no compelling reason for its continued processing.

Schools will inform relevant third parties of erasure of personal data unless it is impossible to do so or involves disproportionate effort.

The right to restrict processing

The school will ensure that data processing is restricted in any of the following circumstances:

- ^ where an individual contests the accuracy of personal data until the accuracy is verified
- ^ where an individual has objected to the processing
- ^ when processing is unlawful
- ^ if the school no longer requires to keep the personal data but the individual requires the data in relation to a legal claim

If data processing is restricted, the school will notify any relevant third parties.

The right to data portability

The school will comply with individual requests to data portability free of charge and within one month of receiving the request.

The right to object

The school will comply with an individual's right to object and will stop processing personal data unless there are compelling legitimate grounds for processing or the processing is in relation to a legal claim.

The school will inform individuals of their right to object at the point of first communication in the school's Privacy Notice.

Rights in relation to automated decision making and profiling

The school will not use automated decision making nor profile any individuals.

Section 7 Subject Access Requests (these should be made to the school's data protection officer)

7.1. The school will process subject access requests and provide a copy of the information free of charge within one month of receipt of the request. However the school will charge a fee when a request is manifestly unfounded or excessive, particularly if it is repetitive,

Further copies of the information will be provided at a reasonable charge,

7.2 If requests are complex or numerous the school has the right to extend the period of compliance by a further two months. The school will notify individuals if this is necessary. .

7.3 If a request is manifestly unfounded or excessive the school has the right to refuse it, the school will notify the individual and explain why it cannot comply with the request and inform the individual of their right to complain to the school's data protection officer.

7.4 The school will verify the identity of the individual making a request using reasonable means.

Section 8 Complaints

Complaints in relation to processing of personal data should be addressed to the school's data protection officer, Mr L Brennan and will be considered in accordance with the school's complaints policy.

Section 8 Review

This policy will be reviewed on an annual basis by the staff member who has been delegated responsibility for it by the Headteacher and any changes approved by the Governing Body.

Section 9 Contacts

9.1 Any enquires in relation to this policy should be addressed to the school's data protection officer who will also act as the contact point for any requests for personal data.

9.2 Further advice and information on data protection is available from the Information Commissioner's Office:

www.ico.org.uk

The Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113 – Helpline is open from 9am to 5pm, Monday to Friday

Email: casework@ico.org.uk

Section 10 Related policies

Freedom of Information

Internet Access and E-safety

Complaints