

2017 - 2018

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: Mr L G Humphreys
Approved by the Governing Body: May 2017
To be reviewed April 2018



Data Protection

Personal data, relating to a living individual who can be identified, is private.

We must:

- only collect data for specific purposes
- ensure the data is relevant, accurate and up to date
- keep it secure
- only keep it for as long as we need it
- destroy it safely

Aim

One of our five published goals is to “Encourage respect, treating each other with dignity and courtesy”. It 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 (DPA) and other related legislation;
- Make clear to parents/carers and other stakeholders that the principles laid down in the DPA are followed at Llanishen High School.

Introduction

The school collects and uses certain types of personal information about staff, students, parents/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 is dealt with properly and securely and in accordance with the DPA and other related legislation. It applies to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

The Governing Body of Llanishen High School has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with the law. The Headteacher and governors will comply with the requirements and principles of the DPA. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Data Protection Principles

The DPA 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 DPA;
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.

Role of the School

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

Therefore the school:

- Checks the quality and the accuracy of the information it holds.
- Ensures that information is not retained for longer than is necessary.
- Ensures that obsolete information is destroyed appropriately and securely.
- Ensures 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.
- Shares information with others only when it is legally appropriate to do so.

- Sets out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensures our staff are aware of and understand our policies and procedures.

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 managing “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, the anti-bullying policy etc. The school also uses CCTV to help maintain safety. Recordings are held securely for up to 10 days.

Dealing with a Data Protection Request

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 DPA. All information relating to the child including that held in books, diaries and on electronic and biometric systems and email should be considered for disclosure. If there is an automatic right to access defined materials under the Pupil Information (Wales) Regulations, 2011, the school will observe such. 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 under the DPA:

1. A request under the DPA must be made in writing;
2. In many cases a letter to the Headteacher is sufficient to identify the Information required. If the information required cannot be identified from the initial request, then the applicant is contacted for clarification;
3. The Headteacher must be confident of the identity of the individual making the request. This may 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 licence. These checks should be done in addition to obtaining proof of relationship with the child;

4. Under the DPA, individuals only have the 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 has 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 (i.e hard) copy of the information is provided. If a letter is sent requesting a fee the 40-calendar day statutory timescale to provide the information, does not begin until the fee is received. It is important 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 DPA 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 from the local authority;
8. The applicant should be told which data 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 (i.e hard) copy should be made and the data obscured or parts of the data 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 can be obtained in person at the school. 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. The school will 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.

Information about the school's registration with the Information Commissioner is available from *the* Headteacher or can be obtained in person at the school. General information about the DPA can be obtained from the Data Protection Commissioner (Information Line 01625 545 745, website www.dataprotection.gov.uk). 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 Data Manager who is the delegated 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.

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 Bursar and the Data Manager to ensure that obsolete data are properly erased.

Data and Computer Security

Llanishen High School undertakes to ensure security of personal data by the following general methods (precise details cannot be revealed):

Physical Security

Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed access to appropriate data records. 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.

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 (i.e. security copies are taken) regularly. All staff have been provided with encrypted memory devices and have been instructed on their use. This provision is part of a preventative measure to control access to sensitive data should there arise the need for data to be available to work on away from the school site.

Appropriate encryption software is used to protect information held on staff laptops.

Procedural Security

In order to be given authorised access to paper based or computer records, all staff will sign a confidentiality agreement. All staff are trained in their DPA obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Overall security for data is determined by the Headteacher and by the Governing Body. The policy and procedures are monitored and reviewed regularly.

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

Individual members of staff can be personally liable in law under the terms of the DPA. 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 breach of the DPA, this policy and other guidelines may be treated as a disciplinary matter and a serious breach may lead to dismissal.

Contacts

If you have any enquires in relation to this policy, please contact the Headteacher who will also act as the contact point for any subject access requests. Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 5457453

Review

This policy will be reviewed periodically by the Governing Body in conjunction with the Headteacher or his/her nominated representative. In the first instance it will be reviewed in 2018 in light of planned legal changes in Data Protection requirements.

Publications

The following information is 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;
- School policies
- Governors' Annual Report;
- Newsletters

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

Linked policies:

Freedom of Information Policy

Equality Policy

Anti-bullying Policy

Child Protection Policy

E-safety Policy

Appendix 1 -

**ACCESS TO PERSONAL DATA REQUEST
DATA PROTECTION ACT 1998 Section 7.**

Enquirer's Surname Enquirer's Forename(s)

Enquirer's Address

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Enquirer's Postcode

Telephone Number Mobile 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 records you are enquiring about?

YES / NO

If YES,

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

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Description of Concern / Area of Concern

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

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Additional information.

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Please dispatch 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.

If a fee is required, the period will not in any event commence until I have paid the sum required.

I consent to the reply being disclosed and sent to me at my stated address (or to the dispatch name and address above that 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