**St Matthew’s High Brooms**

**CE Primary School**

Powder Mill Lane

Tunbridge Wells

Kent

TN49DY



# Data Protection

# Policy

**Reviewed: November 2015**

**Next Review: November 2016**

The Data Protection Act 1998 is the law that protects personal privacy and upholds individual’s rights. It applies to anyone who handles or has access to people’s personal data.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act. 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.

1. **Scope of the Policy**

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

The School collects a large amount of personal data every year including: staff records, names and addresses of those requesting prospectuses, examination marks, references, fee collection as well as the many different types of research data used by 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.

**2. The Eight Principles**

The Act is based on eight data protection principles, or rules for ‘good information handling’.

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 EEA, 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.

**3. Responsibilities**

3.1 The school must:

* Manage and process personal data properly
* Protect the individual’s right to privacy
* Provide an individual with access to all personal data held on them.

3.2 The school has a legal responsibility to comply with the Act. The school, as a corporate body, is named as the Data Controller under the Act.

Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies that are in line with the Act.

3.3 The school is required to ‘notify’ the Information Commissioner of the processing of personal data. This information will be included in a public register which is available on the Information Commissioner’s website.

3.4 Every member of staff that holds personal information has to comply with the Act when managing that information.

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

* inform Data Subjects why they need their personal information, how they will use it and with whom it may be shared. This is known as a Privacy Notice.
* check the quality and accuracy of the information held
* apply the 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 a computer system
* only 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 ***(see appendix)***
* train all staff so that they are aware of their responsibilities and of the schools relevant policies and procedures

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998.

The ICO’s website ([www.ico.gov.uk](http://www.ico.gov.uk/)) provides further detailed guidance on a range of topics including individuals’ rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact

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Appendix

Students’ Right of Access to Education Records

The Data Protection Act 1998 (DP Act) gives all school students, regardless of age, the right of access to their education records (electronic or manual) – this is known as ‘subject access’.

If students are incapable of understanding or exercising their own rights under the DP Act, (for instance because they are too young), they can nominate a parent to make the subject access requests on their behalf.

If a student or a parent acting on behalf of a student asks to check an item of information, e.g. their registration details with school, then they should be shown this information providing that they can prove their identity. Acceptable proof includes production of a passport, birth certificate or driving licence. However, in the absence of any other form of proof, comparison of the person’s signature with one already held on file is acceptable.

Formal requests to view or receive copies of an education record should be made in writing and sent to the head teacher. ‘Statutory Instrument 2005, No.1437, The Education (Pupil Information) (England) Regulations’ provides amongst other things, that where such a request is made there are 15 school days in which to respond (as opposed to 40 consecutive days for all other requests such as those submitted by teachers).

If asked to provide a hard copy of the record, a fee may be charged according to the number of pages (see scale below). Individuals may be asked for information to verify their identity, for instance in the case of former students who may not be currently known to the school. They may also be asked for information necessary to locate the data held about them. For instance a student may be asked to supply the dates between which he or she attended the school.

Subject Access may also include access to images captured by CCTV if an individual is clearly identifiable.

While in principle students have a right of access to the whole of their educational records, in exceptional cases some information may be withheld. The main exemptions are for information which might cause harm to the physical or mental health of the student or a third party, information which may identify third parties (for example other students, although not teachers in this instance), and information which forms part of court reports. Information may also be withheld if it would hinder the prevention and detection of crime or the prosecution or apprehension of offenders if provided.

If a request for information under the DP Act is refused or ignored, the matter can be referred to the Information Commissioner or an application for disclosure can be made to a court.

Schools must keep a record of all subject access requests. This is necessary for a number of reasons including: awareness as to who has made requests, providing an audit trail of events for handling complaints or for onward notification of data errors. In the event that an error is found in personal information, the school may need to take action to contact everyone to whom it has disclosed the data to inform them of the necessary correction.

In addition to the subject access right which can be exercised by students or by parents acting on behalf of students, parents have their own independent right of access to the official educational records of their children under separate education regulations.

Scale of Subject Access FeesNo of Pages Maximum Fee No of Pages Maximum Fee1-19 £1 100-149 £1020-29 £2 150-199 £1530-39 £3 200-249 £2040-49 £4 250-299 £2550-59 £5 300-349 £3060-69 £6 350-399 £3570-79 £7 400-449 £4080-89 £8 500+ £5090-99 £9