

Exmouth Community College



Data Protection Policy

Policy Details	Date
Policy Written	Graham Allen and Richard Childs
Policy Reviewed by	Human Resources Committee
Policy ratified by governors	11.10.16
Review Cycle	Annually
Policy Review date	Spring 1 2017

Exmouth Community College

Data Protection Policy

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 College 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 College must:

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

3.2 The College has a legal responsibility to comply with the Act. Exmouth Community College, 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. (Register: we are registered)

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

3.5 The College 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).
- **train all staff so that they are aware of their responsibilities and of the College relevant policies and procedures**.

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

Exmouth Community College

Appendix 1

Procedures for responding to subject access requests made under the Data Protection Act 1998.

Rights of access to information

There are two distinct rights of access to information held by schools about students.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.

2. The right of those entitled to have access to curricular and educational records as defined within the Education Student Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a subject access request

1) Requests for information must be made in writing; which includes email, and be addressed to Mr G Allen, Deputy Principal. If the initial request does not clearly identify the information required, then further enquiries will be made.

2) The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

3) Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The designated senior member of staff should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4) **The College may make a charge for the provision of information**, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.

If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the College.

5) The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought and proof of identity.

6) The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

7) Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8) Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9) If there are concerns over the disclosure of information then additional advice should be sought.

10) Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11) Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12) Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the College complaint procedure. Complaints which are not appropriate to be dealt with through the College complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact Mr G Allen. Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk

The ICO 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.

Valuable resource guide is at

<https://ico.org.uk/for-organisations/education/>

PRIVACY NOTICE: College Workforce

The Data Protection Act 1998: How we use your information

We, Exmouth Community College, process personal data relating to those we employ to work at, or otherwise engage to work at Exmouth Community College. This is for employment purposes to assist in the running of the College and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modeling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to.

We are required, by law, to pass on some of this personal data to:

- our local authority
- the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data, please visit:

- The College website or 'S' Drive to access the Freedom of Information Data: Storing and accessing information including use of Student Images and College Publication Scheme Policy
- <https://new.devon.gov.uk/supportforschools/administration/data-protection/privacy-notice>
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to see a copy of information about you that we hold, please contact the Human Resources Department in the first instance.

PRIVACY NOTICE: Students

Pupils in Schools, Alternative Provision and Pupil Referral Units and children in Early Years Settings

Privacy Notice - Data Protection Act 1998

We, **Exmouth Community College**, are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

In addition for Secondary Schools

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide both you and your parent's/s' name(s) and address, and any further information relevant to the support services' role. However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, address and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please inform Mrs Riggs in the SIMs office if you wish to opt-out of this arrangement.

For more information about young peoples' services, please go to the Directgov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE) ***As an Academy We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use(s) of the Local Authority.***

If you want to see a copy of the information about you that we hold and/or share, please contact **The Data Manager**.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

www.devon.gov.uk/j4s-privacynotice

and

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

Information Management Team
Room L10
County Hall
Exeter EX2 4QX
Website: www.devon.gov.uk
Email: doffice@devon.gov.uk
Tel: 01392 384682

Information Compliance Office
Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Email: info@education.gsi.gov.uk
Tel: 0370 000 2288

¹ Attendance information is not collected as part of the Censuses for the Department for Education for the following pupils / children - those aged under 4 years in Maintained schools and those in Alternative Provision and Early Years Settings.

PRIVACY NOTICE Parents and Carers

Privacy notice: published to all parents/carers annually in the Parent Guide.

DATA PROTECTION ACT

Schools, including Academies, local education authorities and the Department for Education (the government department which deals with education) all hold information on pupils in order to run the education system, and in doing so have to follow the Data Protection Act 1998. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. We are therefore writing to tell you about the types of data held, why that data is held and to whom it may be passed on.

The College holds information on pupils in order to:

- support their teaching and learning
- monitor and report on their progress
- provide appropriate pastoral care
- assess how well the school as whole is doing.

This information includes contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time we are required to pass on some of this data to the Local Authority (LA), to another school/academy to which the pupil is transferring, to the Department for Education (DfE), and other bodies such as examination boards

The **Local Authority** uses information about pupils to carry out specific functions for which it is responsible, such as

- the assessment of any special educational needs the pupil may have.
- to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual pupils cannot be identified from them.

The Department for Education uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the education service as a whole. **The statistics are used in such a way that individual pupils cannot be identified from them.** The DfE will feed back to LAs, schools and academies information about their pupils where they are lacking this information because it was not passed on by a former school. On occasion information may be shared with other Government departments or agencies strictly for statistical or research purposes only.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. Please note that all rights under the Data Protection Act to do with information about your child rest with them as soon as they are old enough to understand these rights. This will vary from one child to another and you will wish to consider the position for your child, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12. If your child wishes to access their personal data, or you wish to do so on their behalf, then please contact the College Mrs Riggs, Exmouth Community College, Gipsy Lane, Exmouth, EX8 3AF.

Restrictions may apply. The decision will rest with the College regarding all requests from students

OR

- the DfE's Data Protection Officer at DfE, Caxton House, Tothill Street, LONDON, SW1H 9NA.

Separately from the Data Protection Act, DfE regulations provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. If you wish to exercise this right you should write to the school: Exmouth Community College, Gipsy Lane, Exmouth, EX8 3AF

Providing information to our chosen careers service . If as a parent, or as a pupil aged 16 or over, you do not want a careers support service to receive from us information beyond name and address, then please contact the school.