

ALTRINCHAM C.E. AIDED PRIMARY SCHOOL

DATA PROTECTION POLICY

MISSION STATEMENT

To work in partnership with parents and the churches, to nurture children in the Christian faith and to provide them with the best possible educational opportunities.

The school adopts the Trafford data Protection Policy statement.

Data Protection Policy

Commitment

Altrincham C.E. Aided Primary School is committed to ensuring that the personal and sensitive information it holds about individuals is accurate, up to date, used only for the purpose intended and securely protected from inappropriate access. The School is further committed to ensuring that individuals can find out about their personal data, be given access to it and the right to challenge its accuracy. In terms of non-personal information, the School is further committed to promoting public access to the information it holds.

Introduction

This document sets out the School's policy regarding data protection. The policy applies to all staff, partner organisations of the School. The Data Protection Act 1998 is the basis of this document. The purpose of the data protection legislation is to regulate the way that personal information about individuals, whether held on computer or in a manual filing system, is obtained, stored, used and disclosed. The legislation grants rights to individuals to see the data stored about them and to require modification of the data if it is wrong and in certain cases, to compensation. The provisions amount to a right of privacy for the individual. The 1998 Act requires all processing of personal data to be notified to the Information Commissioner and to be kept and used in accordance with the provisions of the Act.

Data Protection Policy

The Data Protection Act 1998 requires the School to comply with the Act when processing personal data.

1. The School supports the objectives and principles of the Data Protection Act 1998 and recognises the need to maintain the confidentiality of all personal information held within the authority.
2. The School requires all its employees, and partner organisations to comply fully with this policy and the Data Protection Principles.
3. Employees and partner organisations are reminded that they may be committing a criminal offence if they breach the provisions of the Data Protection Act 1998.
4. The School will hold the minimum personal information necessary to enable it to perform its functions, and the information will be destroyed once the need to hold it has passed. Every reasonable effort will be made to ensure that information is accurate and up-to-date, and that inaccuracies are corrected without unnecessary delay.
5. The School recognises that personal information is confidential and that unauthorised disclosure is an offence under the Data Protection Act 1998. All information systems, manual or automated, containing personal data will therefore be designed to comply with the Data Protection Act 1998.
6. The School will respect all individuals' rights under the Data Protection Act 1998. These include the right of any individual to ask whether the School holds data on them, to be given a copy of such data and informed of the source of any data held.

7. The School will comply with such a request provided it is:
 - in writing
 - accompanied by sufficient information to assure the School of the individual's identity
 - accompanied by sufficient information to enable the School to locate the information requested
 - accompanied by the appropriate fee, currently £10, and not subject to an exemption under the Act.
8. The Corporate Information Officer will be informed immediately of any such requests, which will be held on file. He will ensure that agreed procedures and timescales are adhered to, to ensure that the most appropriate officers handle the request and monitor progress.
9. If complying with a subject access request involves disclosure of information from which another individual can be identified, the School will seek the consent of that individual, except where exempt from this by the Data Protection Act 1998. If consent is not given the Head will make a decision as to whether to disclose, partly disclose or withhold the data. A written record of this decision will be passed to the Head who will hold it on file. If, in exceptional circumstances, consent of third parties cannot be sought, a decision will be made as it would if consent were withheld. Individuals who consider that data is inaccurate or out of date may also request, in writing, that the information be corrected or erased and will receive a written response indicating whether or not the School agrees and if so, the action to be taken. In the event the school disagrees, the data subject may request their objection be recorded with the relevant record. In such circumstances, the relevant data will be marked "Under Dispute", with an appropriate dated file note of explanation.
10. Personal information will be disclosed only for legitimate purposes and in accordance with the Data Protection Act 1998 to:
 - The data subject
 - The courts under direction of a Court Order
 - Any organisation having legal power to demand disclosure
 - A third party where the appropriate consent has been obtained from the data subject
 - Any other recipient providing the disclosure is in accordance with the provisions of the Data Protection Act 1998.
11. The School is committed to working with outside organisations to improve services to local residents. In these circumstances information may be shared, but would only be released under strict protocols, or with consent, to ensure full protection for individuals' rights.
12. It is the responsibility of Head to ensure compliance with this policy. The Head may nominate a Trafford Liaison Officer to act on their behalf. All computer systems and manual records within service areas which contain information about individuals must be identified made secure and notified to the Head for notification purposes. All employees have a responsibility to co-operate with this task. If the School's policy on data protection is not being complied with the School Governors shall have the authority to take such steps as are necessary to secure compliance.
13. Where personal data is being collected from either a data subject or a third party regardless of the method of collection, the data subject or third party will be given the information in section 10 below.
14. The information referred to in section 9 is:
 - All purposes for which the data will be kept or used
 - Any other information required to ensure data is processed fairly and that the data subject is fully aware of the intended use of the data.
15. No data will be used for any purpose other than those of which the subject is aware unless the subject's consent is sought and given, except where this is permitted by the Data Protection Act 1998. A record will be kept by the staff authorised to use the data of any consent sought, given or refused.

16. In cases where the School holds data as a consequence of providing services to third parties, no disclosure will be made without consent being obtained from the third party, except under the direction of a Court Order. Outside organisations using or sharing the School's data processing facilities will be responsible for notification of their systems, along with any other arrangements made, in order to comply with the requirements of the Data Protection Act 1998.
17. In order to ensure the security and integrity of personal data held by the School, no private use shall be made of any computer belonging to the School, nor School use of any computer belonging to an employee, except in accordance with the School policy on email/ acceptable use. Further guidance concerning the use of the School's equipment and networks can be found in the ICT Policy.
18. All employees, councillors and partner organisations of the School will adhere to the authority's Data Protection Policy and comply with all security advice issued to prevent unauthorised access to personal information and to prevent it from being lost, stolen or rendered unusable. No personal data which is not already in the public domain will be published on any internet site without the written consent of the data subject.
19. All employees, councillors and partner organisations of the school must comply with the requirements of this Data Protection Policy and have regard to any such Guidelines, Codes of Practice and procedures issued. Disciplinary action may be taken against any employee who breaches any instruction contained in, or arising from this policy.

Appendix 1

DATA PROTECTION PRINCIPLES

The principles apply to all personal data processed by data controllers; controllers must comply with them, irrespective of whether they are required to notify and whether or not they are actually notified.

First Principle

"Personal data shall be processed fairly and lawfully."

Second Principle

"Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes."

Third Principle

"Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed."

Fourth Principle

"Personal data shall be accurate and, where necessary, kept up to date."

Fifth Principle

"Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes."

Sixth Principle

"Personal data shall be processed in accordance with the rights of data subjects under this Act."

Seventh Principle

"Appropriate technical and organisational measures shall be taken to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data."

Appendix 2

Definitions - To aid the understanding of this document and provisions of the Data Protection Act the following definitions are provided:

Data is information that is:

- Being processed by means of equipment operating automatically in response to instructions given for that purpose, eg a payroll system
- Recorded with the intention that it should be processed by means of such equipment, eg on disk or CD ROM
- Recorded as part of a manual filing system or with the intention that it should form part of such a system, eg any departmental filing system with an index
- One of a number of records to which public access is allowed

Data Controller means the Council as the organisation who determines how data is processed.

Data Processor means any person, other than an employee of the Council, who processes data on behalf of the data controller, eg someone contracted to the Council to print documents containing personal data.

Data Subject is the individual about whom personal data is held.

Personal Data means data about a living individual who can be identified from that information (or from that and other information). This includes an expression of opinion about the individual.

Sensitive Personal Data means personal data consisting of information as to:

- Racial or ethnic origin of the data subject
- His or her political opinion
- His or her religious beliefs or other beliefs of a similar nature
- Whether he or she is a member of a trade union
- His or her physical or mental health or condition
- His or her sexual life
- The commission or alleged commission by him or her of an offence
- Any proceedings or sentence for any offence committed or alleged to have been committed by him or her.

Processing means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information including organisation, adaptation or alteration, disclosure and destruction of the data.

Relevant Filing System means any manual filing system with an index

Special Purposes means any one or more of the following: journalistic, artistic or literary purposes.

How does it work?

The Data Protection Act lays down rules regarding the way we handle data about people. It does not matter whether the information is on computer or in a paper filing system or even on a video or audio tape, a photograph or microfiche. If it is information about an identifiable, living individual the data protection rules must be followed.

What if I get it wrong?

There are penalties for the School in the event that the act is not complied with and which could result in fines and compensation having to be paid. In some cases the individual who has broken the rules may be personally liable to prosecution. If you think anything in the way you work at the moment may need to be changed you should see your line manager as soon as possible.

Your service area also has a Data Protection Liaison Officer who can help. Please ensure you know who your service area's liaison officer is.

What are the main points of the Act?

The Data Protection Act 1998 requires the Council to comply with eight Principles:

1. Data must be obtained and processed fairly and lawfully.
2. It can only be used for the purposes specified in the organisation's notification entry or as otherwise allowed in law.
3. The information on a person's record must be relevant in every case and should be no more than is necessary for the purpose for which it was obtained
4. The information should be accurate and should where necessary be kept up to date.
5. Details must not be kept for longer than necessary for the stated purposes.

6. Under the Act individuals have the right to see information held by the Council, and to have the information corrected or erased in certain circumstances.
7. There must be adequate security in place for manual and computerised information to prevent unlawful processing of the information and to protect against accidental loss or destruction of or damage to personal data.
8. If you want to use information about individuals for a purpose that is different from that for which it was originally collected you will, in most cases, have to get consent from the individual first.

Guidance on the holding of information and the periods for which information should be retained is to be found in a separate guidance note. Guidance notes on specific issues under the Act may be issued from time to time. Employees should ensure that they are familiar with all guidance issued.

What rights do people have?

Everyone has the right to request a copy of the personal data held about them by any organisation and to request that it is changed if it is wrong, or deleted if it should not be held. The data controller can also be required to show the source of the information. When working with personal data you should remember this, and only record relevant items about people. Do not make "unofficial" comments about individuals in files, on sticky notes, by e-mail etc. Never write anything about another individual you would not be able and prepared to justify.

Detailed guidance for employees concerning subject access requests – requests from individuals for information about themselves – appears on the intranet. This guidance covers the areas of who can make a request, the receipt of and response to the request, and what to do in the case of disputed and inaccurate data.

School Governors' Equality Statement:

Race, disability, gender, religious beliefs and sexual orientation equality are included as an explicit aim in all of the School's policies and key documents.

EQUAL OPPORTUNITIES/ INCLUSION

The School Mission Statement requires the School to examine the values transmitted, either intentionally or unintentionally, to pupils and to ensure that the curriculum, organisation, ethos and attitudes provide all pupils with equal opportunity for educational achievement. The Governing Body will therefore seek to ensure that all pupils in the school have equal access to a broad and balanced curriculum and that the specific needs of pupils are met to ensure equality of access.

The practices and procedures followed are as outlined in the school policies on Equal Opportunities and School Inclusion. This includes planning to meet the needs of both boys and girls, children with special educational needs (SEN), children who are more able, children with disabilities, children from all social, cultural and religious backgrounds, children of different ethnic groups including, and children from diverse linguistic backgrounds.

The school strives to provide a safe environment, free from harassment and discrimination, in which children's contributions are valued and where racial, religious, disability and gender stereotypes are challenged.

Policy agreed.....date

Signature of Head teacher.....

Signature of Chair of School Governors.....