

Altrincham C. E Aided Primary School

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 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 individuals 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 at the following link :
http://www.ico.gov.uk/what_we_cover/promoting_data_privacy/keeping_the_register.aspx

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.

Please follow this link to the ICO's website (www.ico.gov.uk) which 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.

Appendix

Privacy Notice

Information about pupils and children in early years settings

Privacy Notice - Data Protection Act 1998

We Altrincham CE Aided Primary School 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;
- Support you in your transition to another school / setting
- 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, free school meal eligibility and any relevant medical information.

However, your parent can ask that no information beyond names, address and your date of birth be passed to the providers. If as a parent, you wish to opt-out and do not want providers to receive from our school, information beyond name, address and date of birth, then please contact the school administrator: Helen Dunn.

4. In addition, local authorities and providers must comply with the Data Protection Act, applying the normal data protection principles that relate to processing personal data.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to or as envisaged by this privacy notice

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE). This sharing of information also applies to agencies that are prescribed in law, such as, Ofsted, the Education Funding Agency (EFA), the Department of Health (DoH) and Skills Funding Agency that require access to data for the Learner Records Service. All these agencies are data controllers in respect of the data they receive and are subject to the same legal constraints by law in how they deal with the data.

If you want to see a copy of the information about you that we hold and/or share, please contact Helen Dunn.

How the Local Authority (LA) and Department for Education (DfE) use your information

The DfE may share pupil level personal data with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether the DfE releases personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

Personal Information that may be shared with local Information, Advice and Guidance Services.

- Full name (surname and forename),
- Unique Pupil Number (UPN),
- Date of Birth,
- Address including Postcode,
- Telephone number,
- E-mail address,
- Establishment/school name,
- Programme and level of study,
- Start and Leave date
- Destination
- Looked after child status
- Pupil premium status
- Special Education Need status
- Free School Meal eligibility

Altrincham C E Aided Primary School School Workforce

Privacy Notice

The school workforce: those employed to teach, or otherwise engaged to work at Altrincham C E Aided Primary School

Privacy Notice - Data Protection Act 1998

We Altrincham C E Aided Primary School are the Data Controller for the purposes of the Data Protection Act.

We process personal data relating to those we employ to work at, or otherwise engage to work at, our school. This is for employment purposes to assist in the running of the school 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 modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes some or all of the following - identifiers such as name and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

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 on some of this data to:

- the Local Authority (LA)
- the Department for Education (DfE)
- 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
Telephone: 0370 000 2288

Data Integrity

Altrincham C. E Aided Primary School undertakes to ensure data integrity by the following methods: Data Accuracy Data held will be as accurate and up to date as is reasonable possible. If a data subject informs the school of a change of circumstances their records will be updated as soon as practicable. Altrincham C. E Aided Primary School has a system to ensure that where a data subject informs the school of a change of their circumstances, that all of the records held on the data subject are updated. (Altrincham C.E Aided Primary School uses SIMS - School Information Monitoring System database to record all student and staff data). Where a data subject (the person who the data is about) challenges the accuracy of their data, Altrincham C.E. Aided Primary School will investigate and make any changes. We will immediately mark the record as potentially inaccurate (challenged). We shall try to resolve the issue informally but if this is not possible, any disputes will be referred to the Governors for their deliberation. Data Collection sheets are issued on an annual basis at the beginning of the academic year in September.

Data Relevance

Data held about people will be relevant to the purpose for holding the data. We shall not hold any data which are excessive in relation to the purpose. In order to ensure compliance with this principle the school will ensure an annual data check is carried out. Staff and student data collection sheets are issued annually for review. Data and its relevance will be discussed at senior level annually before any data is deleted.

Length of Time

Data held about individuals will not be kept for longer than is necessary for the purposes registered.

How long certain records should be retained by them before they can be disposed of.

It is important to remember that many school records are of invaluable help, not only for former pupils but also for local historical and genealogical research.

There should be a presumption against destroying any records unless it is considered that they are of no such value.

The following guidance is by no means exhaustive but covers the items most frequently asked about.

- School log
School logs should be retained permanently. They are retained in the school for 6 years from the date of the last entry; then transferred to the archives.
- Admission registers
Admission registers should be retained permanently - note that this is not the same as the class register in which daily attendance is marked. These are retained in the school for six years from the date of the last entry, then transferred to the archives.
- Pupil record cards or printouts

Primary – These are retained while the child is in the school; then transfer to the relevant secondary school class registers

Class registers are retained whilst the pupils are still at school and for three years after the last date in the register; then destroyed. For example, if a pupil enters school in September 2001 and leaves in July 2008, the September 2001 register for that class can only be destroyed

Biometric Data

At Altrincham C. E Aided Primary School biometric data is stored and limited (staff only) for secure access purposes:

- Administrative computers main office.
- Main School front door access

Biometric data **is not** stored for pupils at this school.

1 What is biometric data?

- Biometric data means personal information about an individual's physical or behavioural characteristics that can be used to identify that person; this can include their fingerprints, facial shape, retina and iris patterns, and hand measurements.
- The Information Commissioner considers all biometric information to be personal data as defined by the Data Protection Act 1998; this means that it must be obtained, used and stored in accordance with that Act (see the Data Protection Act 1998 below).
- The Protection of Freedoms Act includes provisions which relate to the use of biometric data in schools and colleges when used as part of an automated biometric recognition system. These provisions are in addition to the requirements of the Data Protection Act 1998. (See the Protection of Freedoms Act 2012 below).

2 What is an automated biometric recognition system?

- An automated biometric recognition system uses technology which measures an individual's physical or behavioural characteristics by using equipment that operates 'automatically' (i.e. electronically). Information from the individual is automatically compared with biometric information stored in the system to see if there is a match in order to recognise or identify the individual.
- Biometric recognition systems can use many kinds of physical or behavioural characteristics such as those listed in 1, 1) above.

3 What does processing data mean?

'Processing' of biometric information includes obtaining, recording or holding the data or carrying out any operation or set of operations on the data including (but not limited to) disclosing it, deleting it, organising it or altering it. An automated biometric recognition system processes data when:

- recording pupils' biometric data, for example, taking measurements from a fingerprint via a fingerprint scanner;

- storing pupils' biometric information on a database system; or
- using that data as part of an electronic process, for example, by comparing it with biometric information stored on a database in order to identify or recognise pupils.

Taking Photographs in School

Altrincham C. E Aided Primary School follows the eight principles of good data handling. When taking School Photographs, the school will follow good practice.

Recommended good practice

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the DPA should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the DPA does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school use may be covered by the DPA and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the DPA.

Examples Personal use:

- A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the DPA does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the DPA does not apply.

Official school use:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the DPA will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the DPA as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

Media use:

- A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the DPA.

IT Cloud Storage

Altrincham C.E Aided Primary School utilises cloud storage services in relation to pupil attainment (SIMS/ Microsoft). As a data controller the school follows the DPA guidance:

The DPA requires the data controller to have a written contract (Schedule 1 Part II paragraph 12(a)(ii)) with the data processor requiring that the “data processor is to act only on instructions from the data controller” and “the data processor will comply with security obligations equivalent to those imposed on the data controller itself.”

The existence of a written contract should mean that the cloud provider will not be able to change the terms of data processing operations during the lifetime of the contract without the cloud customer’s knowledge and agreement.

Cloud customers should take care if a cloud provider offers a ‘take it or leave it’ set of terms and conditions without the opportunity for negotiation. Such contracts may not allow the cloud customer to retain sufficient control over the data in order to fulfil their data protection obligations. Cloud customers must therefore check the terms of service a cloud provider may offer to ensure that they adequately address the risks discussed in this guidance.

Subject Access Procedures

Altrincham C.E. Aided complies with subject access requests

What is subject access?

Enabling individuals to find out what personal data you hold about them, why you hold it and who you disclose it to is fundamental to good information-handling practice. The Data Protection Act 1998 (DPA) gives individuals the right to require you to do this. This right, commonly known as subject access, is set out in section 7 of the DPA. Individuals may exercise the right by making a written ‘subject access request’ (SAR).

What is personal data?

For information to be personal data, it must relate to a living individual and allow that individual to be identified from it (either on its own or along with other information likely to come into the organisation’s possession).

Does a SAR have to be in a particular format?

No. A SAR simply needs to be made in writing and, if you require payment of a fee for dealing with the request, to be accompanied by the fee. You may not insist on the use of a particular form for making a SAR, but making a form available may assist the requester to provide the information you need to deal with their request.

How much is the fee?

Unless a SAR relates to one of a small number of special categories of information, the maximum fee you can charge for dealing with it is £10. Different fee limits apply where the request concerns health or educational records or credit files.

What information is an individual entitled to?

Subject access is most often used by individuals who want to see a copy of the information an organisation holds about them. However, subject access goes further than this and an individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the personal data; and
- given details of the source of the data (where this is available).

An individual can also request information about the reasoning behind any automated decisions taken about him or her, such as a computer-generated decision to grant or deny credit, or an assessment of performance at work (except where this information is a trade secret). Subject access provides a right for the requester to see their own personal data, rather than a right to see copies of documents that contain their personal data. Often, the easiest way to provide the relevant information is to supply copies of original documents, but you are not obliged to do this.

What is the time limit for responding?

In most cases you must respond to a subject access request promptly and in any event within 40 calendar days of receiving it.

Is any information exempt from subject access?

Yes. Some types of personal data are exempt from the right of subject access and so cannot be obtained by making a SAR. Information may be exempt because of its nature or because of the effect its disclosure is likely to have. There are also some restrictions on disclosing information in response to a SAR – where this would involve disclosing information about another individual.

CCTV Security Cameras

The school operates a local (in house) CCTV security system. As a data controller Altrincham C.E Aided Primary School follows DPA guidance:

Recorded material should be stored in a way that maintains the integrity of the information. This is to ensure that the rights of individuals recorded by surveillance systems are protected and that the information can be used effectively for its intended purpose. To do this you need to carefully choose how the information is held and recorded, and ensure that access is restricted.

You will also need to ensure that the information is secure and where necessary, encrypted. Encryption can provide an effective means to prevent unauthorised access to images processed in a surveillance system. However, there are circumstances where it is not possible to apply encryption. Where encryption is not appropriate, for example, if it may have an effect on the information that you are choosing to process, then other appropriate methods should be employed to ensure the safety and security of information. If you are going to be collecting and retaining a large amount of information, for example video footage, then you may wish to store the data using a cloud computing system. You will need to ensure that this system is

secure and if you have contracted with a cloud provider to provide this service, you will need to ensure that the provider can ensure the security of the information.

The security video data is stored on a restricted access, secure PC hard drive located in the school office.

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.....