



DORMSTON SCHOOL

Data Protection Policy

This Policy is due to be updated as soon as the GDPR Regulations Are Updated.

1. Why does the school need a Data Protection Policy?

The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Head Teacher and Governors of this School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1988 (and consolidation 2003). All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines. By following the procedure the School will fulfil its obligations under the act.

The school will ensure that the Information Commissioners Office is informed of all its uses of information, and will conduct periodic reviews and update those entries.

The 1998 Act places a strong legal duty on the Data Controller (The School) to comply with the Act. To this end, the School has adopted the policy as specified below. The School, acting as custodians of personal data, recognize their moral duty to ensure that it is handled properly and confidentially at all times, irrespective of whether it is held on paper or electronic means. This covers the whole lifecycle, including:

- ✓ the obtaining of personal data;
- ✓ the storage and security of personal data;

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- ✓ the use of personal data;
- ✓ the disposal/destruction of personal data.

The School also has a responsibility to ensure that data subjects have appropriate access upon written request to details regarding personal information about them.

1a. Scope

An essential activity within the School is the requirement to gather and process information about its staff and pupils in order to operate effectively.

This will be done in accordance with the Data Protection Act 1998 and other government legislation. This includes:

- ✓ The Freedom of Information Act 2000;
- ✓ The Human Rights Act 1998;
- ✓ Regulatory Investigation Powers Act 2000;
- ✓ 1990 Computer Misuse Act;
- ✓ Telecommunication Regulations Act 1999 (Data Protection & Privacy);
- ✓ Crime and Disorder Act 1998.

The Dormston School is committed to the eight (8) principles of the Data Protection Act:

1. Ensure that all Personal Data (Information) is collected and used in a fair and lawful manner.
2. Ensure that the legal obligation to specify the purpose for which information is used is met.
3. Ensure the right amount of personnel data is collected and processed, and no more.
4. Ensure the quality of information obtained and used.
5. Ensure that personal information is held for as long as is needed and no longer.
6. Ensure that the rights of people about whom information is held, are able to be fully exercised under the act.
7. Ensure that appropriate technical and organizational security measures are in place to safeguard personal information.
8. Ensure that personal information is not transferred abroad without suitable safeguards.

1b. Fair Obtaining and Processing

The Dormston School undertakes to obtain and process data (Information) fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access.

Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

“Processing” means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

“Data subject” means an individual who is the subject of personal data or the person to whom the information relates.

“Personal data” means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.

“Parent” has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

Registered Purposes

The Data Protection Registration entries for the School are available for inspection, by appointment with the Data Controller System Manager. Explanation of any codes and categories entered is available from Mr. Simon Carroll & Mr Neil Eveson who are the officers 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.

Data Integrity

The school undertakes to ensure data integrity by the following methods:

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate, or ‘challenged’. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the ‘challenged’ marker will remain and all disclosures of the affected information will contain both versions of the information.

Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

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Examples of data would be pupil information on address, family details, free school meals etc., and school staff personnel details.

The data manager will decide how long this information is kept and controlled for following Dudley MBC procedures and recommendations.

Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of Data Manager to ensure that obsolete data are properly erased. (This is linked to the DfE Retention Schedule of Records Management).

Subject Access

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the school's policy is that:

- ✓ requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request;
- ✓ requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers;
- ✓ requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

Processing Subject Access Requests

Requests for access must be made in writing. (See appendix one). Pupils, parents or staff may ask for a Data Subject Access form, available from the School Office. Completed forms should be submitted to Mr Simon Carroll. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Pupil Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided. Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school dates in accordance with the current Education (Pupil Information) Regulations.

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Authorized Disclosures

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the School's authorized officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- ✓ pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations;
- ✓ pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare;
- ✓ pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school;
- ✓ staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters;
- ✓ unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the LEA are IT liaison/data processing officers, for example in the LEA, are contractually bound not to disclose personal data.
- ✓ only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **need to know** the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

A "**legal disclosure**" is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An "**illegal disclosure**" is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes.

Data and Computer Security

The Dormston School undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

Physical Security

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Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the control room. Printouts and other information areas (Hard drives) 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. Passwords are used at all times and computers kept locked when not in the room.

Logical Security

Please see e-safety policy. This includes the schools request that all memory sticks must have no sensitive data and other information must be password patrolled and kept secure at all times and staff are advised not use memory sticks at all. All equipment that holds data must be password controlled in case a third party gets hold of the equipment. If any data or equipment with data on is lost or stolen this must be reported to the data controller as soon as possible.

Procedural Security

In order to be given authorized access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents must be shredded before disposal.

Storing Personal Information

Overall security policy for data is determined by the Governing Body and monitored and reviewed regularly, especially if a security loophole or breach becomes apparent. The School's security policy is kept in a safe place at all times.

Any queries or concerns about security of data in the school should in the first instance be referred to Mr. Simon Carroll.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorized use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

1. Training

It is the aim of the school that all appropriate staff are properly trained, fully informed of their obligations under the DPA 1998 and aware of their personnel liabilities.

Any employee deliberately acting outside of the recognized responsibilities may be subject to the council's disciplinary procedures, including dismissal where appropriate, and possible legal action.

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2. Enquiries

Information about the school's Data Protection Policy is available from the School System Manager (Data Controller).

3. Frequently Asked Questions?

Q: How can I find out what information is held about me?

A: *A request for a copy of information held about a person is known as a 'Subject Access Request'. Requests must be made in writing, e-mails are acceptable. (Please see appendix __ for correct form to issue)*

Q: Who is the Schools Data Controller?

A: *The Data Controller is the whole school, as we all control data at certain points. The Schools System manager is Mr. Simon Carroll and his deputies.*

Q: How long does the School have to respond to a request?

A: *The School has to respond to requests promptly and in most cases must respond within 40 days. The 40 days starts from when the School receives enough information to be able to: 1: Be able to satisfy that the individual is the data subject that they claim to be. 2: Have in its possession enough essential information, in order to assist with the process. 3. Satisfy itself that the data subject has paid any required fee.*

Q: How long are records about the individual held?

A: *Records are only kept for as long as necessary. There is no requirement to keep information.*

Q: What happens if the School holds incorrect information about the individual?

A: *The School has a duty to investigate this and see where the error is, if after the investigation the information is found to be correct the data subject should be informed.*

Q: Can I supply Police Officers with information upon request?

A: *A request from any Police Officer must be signed for by a rank above the officer who is requesting the information. The Police must supply the correct form on request for information the WA170. The Officer requesting the information must be able to identify the reasons for needing the information.*

Q: How much does it cost to gain access to your personal information?

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A: *A Fair amount judged by Dudley Metropolitan Council is £10 for a request. However, over 150 pages may be charged for at a set rate. (Appendix 2).*

Q: Who do the School share information with?

A: *Depending on the original purpose for what it was obtained the information may be shared with a number of council services, Education, Social Services.*

In all these examples the information provided is only the minimum necessary to enable them to provide a service to our data subjects.

Appendices

- 1) Subject Access Request

The Dormston School

DATA PROTECTION ACT 1998 - SUBJECT ACCESS REQUEST

- This form is used by the Dormston School to help you receive information we hold and process about you, the "data subject" (the person whose information is held by the School)
- Please complete the form as fully as possible - if you do not it could make it more difficult for us to process you request
- If you are the data subject please supply evidence of your identity, e.g. copy of current Driving Licence or Birth Certificate.
- If you are applying on behalf of another person, with their consent, please include proof by enclosing their written authority for you to do so (unless you are the Parent/Carer).

Personal Details

1. Name _____

2. Address _____

3. Postcode _____

4. Previous address if you have moved since giving your details to the School

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5. Postcode

6. Are you the data subject (the person whose information is held by the School)
If YES continue onto Question 12, otherwise continue overleaf.

7. Name

8. Organisation

9. Address

10. Postcode

11. Relationship with data subject that leads you to be making this request

Information Required

12. Please state in your own words what information you require, include details of which departments/sections (if known), any reference numbers given to you like payroll or client numbers, or reason why you believe the School has your personal information in its files. (Attach a separate piece of paper if necessary).

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13. Date you made a similar or identical request (if applicable)

Declaration

To be completed by all applicants. Please note that any attempt to mislead the Council may lead to prosecution.

I (insert name)

Certify that the information given on this application form and any attachments therein to The Dormston School is accurate and true.

I understand that it is necessary for the School to confirm my identity and it may be necessary to obtain more information in order to locate the correct information.

Signature

Date

Note: The period of forty days in which the School must respond to the request will not commence until it is satisfied upon these matters:

- Evidence of your identity
- Evidence of the data subject's identity (if different from above)
- Enough information for the School to be able to understand the request.

Return of the Form

Please return your completed form together with any associated documents to:

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