



Data Protection Policy

[Next update – As necessary - September 2018]

This Policy should be read in conjunction with, and complements, the school's Policy on the use of the internet. It acknowledges the Data Protection Act 1998, the General Data Protection Regulations 2018, and the E Privacy directive 2003.

This Policy covers all aspects of data collection, in written and electronic formats, Website data; the use of data sticks and email accounts.

Priory school will gain consent to use personal email addresses.

Priory School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

As a Data Controller, Priory School is required to be registered with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. The School also has a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the

European Economic Area, unless that country or territory ensures an adequate level of data protection.

General Statement

Priory School is committed to maintaining the above principles at all times. Therefore the School will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded. These safeguards involve the secure storage of such information off the School site.
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures
- Explain a privacy notice is issued to pupils, parents and staff which explain about the need to collect personal and identifiable data.

Rights of access to information

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

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 is defined within the Education Pupil Information (Wales) Regulations 2004.

Responding to a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to the Principal. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The School is required to establish the identity of the person making the request before the disclosure of any information, and also to carry out checks 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 Principal is required to discuss the request with the child and take his/her 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. With regard to consent from children to use their personal and identifiable data, at present the age at which consent is sought is 16 years.

4. The school 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, but a charge not exceeding the cost of copying the information will be made by the School.

5. The statutory timescale for responding to subject access requests, which may include the need to seek information from third parties, is 1 month. However, the month will not commence until after receipt of **fees (see above)** or clarification of information sought.

6. Third-party information is that which has been provided by another body, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third-party information, consent will be obtained from the provider(s).

There is still a need to adhere to the timescale of 1 month.

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

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

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

10. Information may 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 will be taken into account when considering the method of delivery. If postal systems have to be used, then registered / recorded mail will be used, as is required.

11. Under the new regulations an individual has the right to be forgotten. Priory School will ensure that a 'suppression list' is kept with the names of any individuals who have made this request, and demonstrate compliance.

Complaints

Complaints about the above procedures should be made to the Principal, who will, in consultation with the School's Senior Executive Committee, decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaints procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every year. The policy review will be undertaken by the Principal or an authorised member of the Executive Committee.

Contacts

Any enquires in relation to this policy should be made by contacting the Principal, who will also act as the contact point for any subject access requests.

The School's contact details are:

Priory School
Beatrice Avenue
Whippingham
Isle of Wight
PO32 6LP

Phone: 01983 861222 or 020 7736 0350

Email: mail@priorschool.org.uk

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745 3

**Authorised by the Principal, Mr E J Matyjaszek
April 2018**

Appendix

The Data Protection Protocol Strategic Exec members April 2018