

# Balcombe C E (C) School

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## Data Protection Policy

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Adopted by Governors: May 2014

Reviewed: May 2016

Next Review: May 2018

The Data Protection Policy reflects the UN Convention on The Rights of the Child (CRC) by supporting these Articles:

Article 3: The best interests of the child must be a top priority

Article 4: Protection of rights

Article 16: Every child has a right to privacy

Balcombe CE School collects and uses personal information about staff, students, parents or carers 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.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all students/parents or carers, this summarises the information held on students, 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 and shall not be processed in any manner incompatible with those 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

The 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 that 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.
- ♦ 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.

## Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

## Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

## Contacts

Further advice and information is available from the Information Commissioner's Office, click [here](#) to go to their website or telephone 01625 545745 3.

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 the School Secretary at the School or via [office@balcombeschool.co.uk](mailto:office@balcombeschool.co.uk). 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
- P45/60
- 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 Headteacher 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 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.
  - 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 Headteacher.
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.
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 school's complaint 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.



### PRIVACY NOTICE

#### ***Pupils in Schools, Alternative Provision and Pupil Referral Units and Children in Early Years Settings***

#### **Privacy Notice - Data Protection Act 1998**

We, **Balcombe CE 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:

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

This information includes your contact details, national curriculum assessment results, attendance information<sup>1</sup> 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.

***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).

If you want to see a copy of the information about you that we hold and/or share, please contact **Balcombe CE School Office**.

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:

[https://www.westsussex.gov.uk/media/4700/privacy\\_notice.pdf](https://www.westsussex.gov.uk/media/4700/privacy_notice.pdf)

<https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

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<sup>1</sup> Attendance is not collected for pupils under 5 at Early Years Settings or Maintained Schools as part of Censuses for the Department for Education. This footnote can be removed where Local Authorities collect attendance for under 5's for their own specific purposes.



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:

Sue Bryan  
Learning Children's Services  
West Sussex County Council County Hall  
Chichester  
PO10 1RF

Public Communications Unit  
Department for Education  
Sanctuary Buildings  
Great Smith Street London  
SW1P 3BT

Website: [www.education.gov.uk](http://www.education.gov.uk)  
Email: <http://www.education.gov.uk/help/contactus>

Telephone: 0370 000 2288



### **PRIVACY NOTICE**

***School Workforce; those employed or otherwise engaged to work at a school or the Local Authority***

#### **Privacy Notice - Data Protection Act 1998**

We, **Balcombe CE School**, are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school about those employed or otherwise engaged to work at the school or Local Authority. This is to assist in the smooth running of the school and/or enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of school workforce data across the sector
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up
- 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 Teacher Review Body and the School Support Staff Negotiating 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 or Local Authority (LA) 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 LA
- the Department for Education (DfE)

If you require more information about how the LA and/or DfE store and use this data please contact the LA or DfE as follows:

Head of People Management  
Business Services  
West Sussex County Council  
Chichester  
PO20 1RF

Public Communications Unit  
Department for Education  
Sanctuary Buildings  
Great Smith Street London  
SW1P 3BT

Website: [www.education.gov.uk](http://www.education.gov.uk)  
Email: [info@education.gsi.gov.uk](mailto:info@education.gsi.gov.uk)  
Telephone: 0870 000 2288