

Upton Westlea Primary School

Data Protection Policy



Approved by staff: March 2017

Signed:

Approved by Governors: March 2017

Signed:

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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. Upton Westlea Primary School is a data controller for the purposes of the Data Protection Act.

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.

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998, or at least bi-annually.

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: pupil admission information, assessment records, references, fee collection as well as the many different types 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, the LA, DfE 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

- ❖ 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.
- ❖ The school has a legal responsibility to comply with the Act. The school is named as the Data Controller under the Act and the Governors are therefore ultimately responsible for implementation.
- ❖ 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. The school has three designated Data Controllers – Headteacher, Bursar, Administration Officer. Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller who would be the Bursar.
- ❖ 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
- ❖ Every member of staff that holds personal information has to comply with the Act when managing that information.
- ❖ 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. (See Appendix 1)
 - 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.

• **Retention of Data**

The School has a duty to retain some staff and student personal data for a period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time.

- 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
- personal information should:
 - Be kept in a lock filing cabinet, drawer, or safe: or
 - If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
 - If a copy is kept on a diskette or other removable storage media, that media must itself be

kept in a locked filing cabinet, drawer, or safe.

- 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 Freedom of Information Policy).
- **Rights of Access Information**

All staff, parents and other users are entitled to:

- Know what information the School holds and processes about them or their child and why
- Know how to gain access to it
- Know how to keep it up to date
- Know what the School is doing to comply with its obligations under the 1998 Act.

This Policy document and the School's Data Protection Code of Practise address in particular the last three points above. To address the first point, the School will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the School holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the **Subject Access Request Form** and submit it to the Designated Data Controller.

The School will make a charge of £10 on each occasion that access is requested, although the School has discretion to waive this.

The School aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

- **Subject Consent**

In many cases, the School can only process personal data with the consent of the individual.

- train all staff so that they are aware of their responsibilities and of the schools relevant policies and procedures

4. **Data Sharing**

The Local Authority (LA) uses the information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special education needs the child may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The LA is also required to maintain the accuracy of all information held about children and young people in their area. The Local Authority (LA) may also share information with other LA's.

Department for Education (DfE) is the Data Controller for the purposes of the Data Protection Act. DfE uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole.

Pupil information may be matched with other data sources that DfE holds in order to model and monitor their educational progression and to provide comprehensive information back to LAs and learning institutions to support their day to day business. DfE may also use contact details from these sources to obtain samples for statistical surveys which may be carried out by research agencies working under contract to DfE. Participation in such surveys is usually voluntary. DfE may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies including Office for National Statistics, RAISEonLine, will use the data for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individual pupils or identifies individuals in any results. This data sharing will be approved and controlled by DfE's Chief Statistician.

DfE may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of DfE's Chief Statistician. DfE's powers to pass data to researchers are derived from The Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations. These Regulations restrict the researchers who may receive data to 'persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose'.

The school is a Data Controller for the purposes of the Data Protection Act and pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young (under 12) to do so themselves. If you wish to access the personal data which DfE hold about your child, then please contact them direct.

As the law allows pupil data can be sent to the following third party organisations. A brief description of the purposes the information is used for is set out below, along with links to the organisations as detailed below:

Department of Health (DfH) uses anonymised information about pupils' height and weight collected in primary and middle schools as part of the National Child Measurement Programme to inform, influence and improve health policy. The Department of Health also provides aggregate PCT-level data to the Care Quality Commission for performance assessment of the health service. www.dh.gov.uk

Primary Care Trusts (PCT) use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them. Information on the height and weight of individual pupils may however be provided to the child and its parents/carers and this will require the PCTs to maintain details of pupils' names for this purpose for a period designated by Department of Health following the weighing and measuring process. PCTs may also provide individual schools and LAs with aggregate information on pupils' height and weight.

<http://www.nhs.uk/England/AuthoritiesTrusts/Pct/Default.aspx> or www.berkshire.nhs.uk

Ofsted uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of their assessment of the effectiveness of education initiatives and policy. Ofsted also uses information about the views of children and young people to inform children's services inspections in local authority (LA) areas. Inspection reports do not identify individual pupils. The Department for Education also provides Ofsted with pupil data for use in school inspection. Where relevant, pupil information may also be shared with post-16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans. www.ofsted.gov.uk

The Skills Funding Agency uses information about pupils aged 14 and over (or enrolling for post-14 qualifications) for statistical purposes, in order to evaluate and develop education policy and monitor the performance of the education service as a whole. Further information on how this data is used may be found on the Skills Funding Agency website.

The Skills Funding Agency also administers the Learning Records Service (previously known as the Managing Information Across Partners Programme) which uses a minimum set of personal data to:

- issue and maintain a unique learner number (ULN) for pupils of 14 years and over and for those registering for post-14 qualifications
- create and offer a personal learning record (PLR) to enable advice and guidance to be offered to the learner (for example, helping to choose the right course)
- facilitate the processing of qualification awards by approved awarding organisations.

Approved organisations (including other schools) will be allowed to access the limited set of personal data. More information on the PLR, ULN, learner plan and qualification credit framework is available on the Learning Records Service website. This sharing of data reduces the need for learners to have to supply the same information repeatedly to different organisations, and significantly reduces the risk of inaccurate information being held about them. Details of how an individual may opt out of sharing achievement data in their PLR with these organisations are also available from the Learning Records Service.

The Qualifications and Curriculum Development Authority (QCDA) uses information about pupils to administer the national curriculum assessments portfolio throughout Key Stages 1 to 3. This includes both assessments required by statute and those that are optional. The results of these are passed on to the Department for Education to compile statistics on trends and patterns in levels of achievement. The QCDA uses the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

The Young Peoples Learning Agency (YPLA) uses information about pupils for statistical purposes, to evaluate and develop education policy and monitor the performance of the education service as a whole. The statistics (including those based on information provided by the QCDA) are used in such a way that individual pupils cannot be identified from them. On occasion information may be shared with other Government departments or agencies strictly for statistical or research purposes only. www.ypla.gov.uk

The Qualifications and Curriculum Development Agency (QCDA) and the Joint Council for Qualifications (JCQ) uses information about pupils to administer the national curriculum assessments portfolio throughout the Key Stages. This includes both assessments required by statute and those that are optional. The results of these are passed on to DFE to compile statistics on trends and patterns in levels of achievement. The QCA uses the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

The policy should be read alongside the following relevant documents:

- Freedom of Information Policy

PRIVACY NOTICE FOR PUPILS, PARENTS AND GUARDIANS**Privacy Notice - Data Protection Act 1998**

We at Upton Westlea are the Data Controller for the purposes of the Data Protection Act. We collect information from you and your child and may receive information from your child's previous school and other agencies. We hold this personal data and use it to:

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

This information includes contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as ethnic group, special educational needs and any relevant medical information. If your child is enrolling for post 14 qualifications we will be provided with their unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications undertaken.

We will not give any information to anyone outside the school without your consent unless the law requires us to do so. We may pass on personal information for child protection reasons or to other relevant agencies or partners.

We are required by law to pass some information to the Local Authority and the Department for Education (DfE).

If you want to see a copy of the information we hold and share then please contact Mrs Jan Woollen, School Bursar, in the school office.

If you require more information about how the Local Authority (LA) and/or DfE store and use the information, then please go to the following websites:

<http://www.cheshirewestandchester.gov.uk/default.aspx?page=5340>

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites, please contact the LA or DfE as follows:

Public Communications Unit
Department for Education
 Sanctuary Buildings
 Great Smith Street
 London SW1P 3BT
 website: <http://www.education.gov.uk/>
 email: <http://www.education.gov.uk/help/contactus>
 tel: 0370 000 2288

The Data Protection Officer
Cheshire West and Chester Council
 HQ
 58 Nicholas Street
 Chester
 Cheshire CH1 2NP
 email: jonathan.pepler@cheshireservices.gov.uk
 tel: 0300 123 8 123

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