



NEWENT COMMUNITY SCHOOL AND SIXTH FORM CENTRE

DATA PROTECTION POLICY

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DATA PROTECTION POLICY

1. PURPOSE OF THE POLICY

This policy applies to all personal data held by Newent Community School and Sixth Form Centre (The School). It encompasses paper records; data held on computer and associated equipment, including CCTV, of whatever type and at whatever location, used by or on behalf of the School.

The Governors have delegated the Business Manager as the person who has overall responsibility for compliance with the Data Protection Act. The Business Manager will liaise with colleagues on the Senior Leadership Team for specific aspects of the Policy.

The obligations outlined in this policy apply to all those who have access to personal data, whether they are employees, Governors, employees of associated organisations or temporary staff. It includes those who work at home or from home, who must follow the same procedures as they would in an office environment. Any individual who knowingly or recklessly processes data for purposes other than those for which it is intended or makes an unauthorised disclosure is liable to prosecution. All individuals permitted to access personal data must agree to comply with this policy.

Any breach of the provisions in this Policy will be treated as a disciplinary offence which may result in disciplinary action up to and including summary dismissal in accordance with the School's Staff Discipline and Grievance Policy.

2. POLICY STATEMENT

a. The School will comply with:

- i. The terms of the Data Protection Act 1998 and any subsequent relevant legislation, to ensure personal data is treated in a manner that is fair and lawful.
- ii. The eight enforceable principles of good practice contained in the Data Protection Act 1998. These state that personal data must be:
 - Fairly and lawfully processed;
 - Obtained only for one or more specified and lawful purposes;
 - Adequate, relevant and not excessive in relation to the purpose for which it is processed;
 - Accurate and kept up to date;
 - Not kept for longer than is necessary;
 - Processed in accordance with the data subject's rights;
 - Secure;
 - Not transferred to a country outside the EEC unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- iii. Information and guidance displayed on the Information Commissioner's website (www.dataprotection.gov.uk) and published in "the Guide to Data Protection" published by the Information Commissioner's office and available at:
http://www.ico.gov.uk/upload/documents/library/data_protection/practical_application/the_guide_to_data_protection.pdf

b. This policy should be read in conjunction with the School's Electronic Information and Communication Systems Protocol, Freedom of Information Act Policy and Publications Scheme.

c. Data Gathering

Only relevant personal data may be collected and the person from whom it is collected will be informed why the data is being collected, of the data's intended use and any possible disclosures of the information that may be made.

Privacy notices will be issued to all persons from whom personal data is collected. Two versions will be used – one in respect of students' personal data and the other in respect of all other personal data. These are appended to this policy.

d. Processing

- i. All processing of personal data will comply with the Data Protection Principles as defined in the Data Protection Act 1998. In the situation where data is processed by a third party, the third party will be required to act in a manner that ensures compliance with the Data Protection Act 1998.
- ii. Data will only be processed for the purpose for which it was collected and will not be used for additional purposes without the consent of the data subject.

e. Data Storage

- i. The School will hold the minimum amount of personal data necessary to enable it to perform its functions. The data will be erased once the need to hold it has passed.
- ii. The School will store personal data in a secure and safe manner.
- iii. Electronic data will be protected by standard password and firewall systems operated by the School
- iv. The School prohibits staff from storing confidential or personal data, relating to staff or students, on portable or mobile devices. Staff are directed to use the Remote Access facility available.
- v. Computer workstations in administrative areas will be positioned so that they are not visible to casual observers.
- vi. Manual data will be stored where it not accessible to anyone who does not have a legitimate reason to view or process that data.
- vii. Particular attention will be paid to the need for security of sensitive personal data.

f. Data Checking

- i. The School will issue regular reminders to staff and parents/carers to ensure that personal data held is up-to-date and accurate.
- ii. Any errors discovered will be rectified and, if the incorrect information has been disclosed to a third party, any recipients informed of the corrected data.

g. Data Disclosures

- i. Personal data will only be disclosed to organisations or individuals for whom consent has been given to receive the data, or organisations that have a legal right to receive the data without consent being given.
- ii. When requests to disclose personal data are received by telephone it is the responsibility of the member of staff taking the call to ensure the caller is entitled to receive the data and that they are who they say they are. It is advisable to call them back, preferably via a switchboard, to ensure the possibility of fraud is minimised.
- iii. If a personal request is made for personal data to be disclosed it is again the responsibility of the member of staff to ensure the caller is entitled to receive the data and that they are who they say they are. If the person is not known personally, proof of identity should be requested.
- iv. Requests from parents/carers or students for printed lists of the names of students in particular groups, which are frequently sought at Christmas, should be politely refused as permission would be needed from all the data subjects contained in the list. (Note: A suggestion that the child makes a list of names when all the students are present in class will resolve the problem.)
- v. Personal data will not be used in newsletters, websites or other media without the consent of the data subject.
- vi. Routine consent issues will be incorporated into the School's student data gathering sheets, to avoid the need for frequent, similar requests for consent being made by the School.
- vii. Personal data will only be disclosed to Police Officers if they are able to supply a relevant document which notifies of a specific, legitimate need to have access to specific personal data.
- viii. A record will be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.

h. Subject Access Requests

- i. If the School receives a written request from a data subject to see any or all personal data that the School holds about them this will be treated as a legitimate Subject Access Request and the School will respond within the recommended 40 day deadline.
- ii. A Subject Access Request received in relation to a student's education record will be responded to within the 15 school day time limit.
- iii. Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and the School will comply with its duty to respond within the 40 day time limit.
- iv. The Subject Access Request Form (Appendix 3) is made available on the School's website. This Form will be forwarded to any individual making a request using any other method.
- v. An initial fee will be charged of £10 in relation to all Subject Access Requests. This may be adjusted when the actual costs of producing the information is known.

i. General

- I. This policy will be included in the Staff Handbook.
- II. All relevant School publications will comply with this Policy.
- III. Data Protection statements will be included on forms that are used to collect personal data.

3. CONFIDENTIALITY AND SECURITY

Personal data is confidential and confidentiality must be preserved in compliance with the Data Protection Principles as defined in the Data Protection Act 1998.

Paper records will be managed so that access is restricted to those who need to use the information and stored in secure locations to prevent unauthorised access.

Computer systems will be designed and computer files created with adequate security levels to preserve confidentiality. Those who use the School's computer equipment will have access only to the data that is both necessary for the work they are doing and held for carrying out that work.

4. OWNERSHIP OF DATA

Each Learning Lead within the School is responsible for the personal data their Subject Area holds. This responsibility extends to any data that is processed by a third party. The Subject Area will hold a record of all data files that it owns containing personal data, whether on paper or electronic media. Where required, the Learning Lead will provide the necessary information to the Business Manager to facilitate notification of the data, by the Principal, to the Information Commissioner.

5. TRAINING

All members of staff who work with personal data, and their line managers, will receive appropriate training in the area of Data Protection.

6. POLICY REVIEW

This policy will be kept under review every two or three years in order to keep it in line with relevant legislation and modifications authorised by the Governing Body and the Senior Leadership Team.

PRIVACY NOTICE

School Workforce: those employed or otherwise engaged to work at a school

Privacy Notice - Data Protection Act 1998

We Newent Community School and Sixth Form Centre 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. 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 modeling 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 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 Department for Education (DfE)

If you require more information about how the DfE store and use this data please go to the following websites:

- <http://www.education.gov.uk/schools/adminandfinance/schooladmin/a0077963/what-the-department-does-with-school-workforce-data>

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

- 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

PRIVACY NOTICE

for

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

Privacy Notice - Data Protection Act 1998

We Newent Community School and Sixth Form Centre are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

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

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

In addition for Secondary and Middle deemed Secondary Schools

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the names and addresses of you and your parent(s), and any further information relevant to the support services' role.

However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, addresses and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please contact the School if you wish to opt out of this arrangement. For more information about young people's services, please go to the National Careers Service page at <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use of the LA.

If you want to receive a copy of the information about you that we hold or share, please contact the School.

If you need more information about how the LA and DfE store and use your information, then please go to the following websites:

<http://www.gloucestershire.gov.uk/privacynotices> or

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

If you cannot access these websites, please contact the LA or DfE as follows:

- CYPD Information Support Team

Gloucestershire County Council

Shire Hall
Gloucester
GL1 2TP

website: www.gloucestershire.gov.uk
email: impsp@gloucestershire.gov.uk

- Public Communications Unit

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

Website: www.education.gov.uk
Email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

APPENDIX 3

ACCESS TO PERSONAL INFORMATION SUBJECT ACCESS APPLICATION FORM

This form should be used to make a request to see information relating to education records.

Requests on Behalf of Children

A parent / carer does not have an automatic right to information held about their child. The right belongs to the child and the parent / carer acts on their behalf, providing the parent / carer has Parental Responsibility. Once the child reaches sufficient maturity, the child can exercise their own right, and the parent / carer must act with the child's consent.

Where parents / carers have separated, consideration should be given to the 'best interests' of the child in releasing information to the requesting parent / carer.

In England and Wales the age at which the child reaches sufficient maturity is judged to be the age of 12, but this may vary according to factors particular to that child.

How we use your information

The information you give us will be used to progress your request and for related administrative purposes. All your information is treated with respect and in accordance with the Data Protection Act 1998. If you are making this request on behalf of someone else we may undertake checks with other agencies and other adults who have responsibility for this person to determine your right of access to the information.

Making a request

Please complete the Subject Access Application Form and the Proof of Consent Form if you wish to access personal information held by Newent Community School and Sixth Form Centre on yourself or the individual you are acting on behalf of.

On receipt of the Subject Access Application Form, the Proof of Consent Form, ID and the £10 fee, we will respond to you within the 40 calendar or 15 school days' time limit whichever is relevant.

Please return this form to:

The Principal
Newent Community School and Sixth Form Centre
Watery Lane
Newent
Gloucestershire GL18 1QF

Please ensure that you have enclosed all relevant information before returning this form.

The School charges a £10 fee for processing each subject access request as permitted under the DPA 1998. However, the actual cost of a Subject Access Request received in relation to a student's education record will be shown on the reverse of the Application Form. The actual cost of producing the records will be calculated based on the School's standard copying charges. When this actual cost is known, any additional fee may be payable prior to release of the documentation. You can pay the fees by cheque made payable to "Newent Community School and Sixth Form Centre".

Please send this payment with the completed Subject Access Application Form.

Required Documentation

For a child sufficiently mature/over 12 you will need to complete the Application Form and SECTION A of the Proof of Consent Form.

You will need to include:	✓
The request in writing	
Proof of identity of the requester (adult)	
Proof of the child's consent for the adult to access their information	
Proof of identity of the data subject (child)	
Sufficient details to locate the information	
Proof of the responsibility of the adult for the child	
£10 minimum fee	

For a child insufficiently mature/under 12 you will need to complete the Application Form and SECTION B of the Proof of Consent Form.

You will need to include:	✓
The request in writing	
Proof of identity of the requester (adult)	
Proof of identity of the data subject (child)	
Sufficient details to locate the information	
Proof of the responsibility of the adult for the child	
£10 minimum fee	

**ACCESS TO PERSONAL INFORMATION
SUBJECT ACCESS APPLICATION FORM**

Your Name : _____

Your Address : _____

Your Contact Number : _____

Your Date of Birth : _____

Any other names you are/were known by : _____

Name of person whose records you want to see : _____

Address (if different from above) : _____

Contact Number (if different from above) : _____

Date of birth of the person whose records you want to see : _____

Any other names the person is / was known by : _____

I would like a copy of the information to be sent to the address above by "signed for" delivery.

**ACCESS TO PERSONAL INFORMATION
CHARGE APPLIED TO A SUBJECT ACCESS REQUEST
RECEIVED IN RELATION TO A STUDENT'S EDUCATION RECORD**

Number of Pages of Information Supplied	Maximum Fee
1 – 19	£1
20 – 29	£2
30 – 39	£3
40 – 49	£4
50 – 59	£5
60 – 69	£6
70 – 79	£7
80 – 89	£8
90 – 99	£9
100 – 149	£10
150 – 199	£15
200 – 249	£20
250 - 299	£25
300 – 349	£30
350 – 399	£35
400 – 449	£40
450 – 499	£45
500 +	£50

**ACCESS TO PERSONAL INFORMATION
PROOF OF CONSENT FORM**

Section A - To be completed when acting on behalf of an adult or young person.

I am undertaking this subject access request on behalf of : _____

My relationship to them is : _____
(eg partner, parent, legal guardian, main carer, advocate, etc.)

I enclose the following form of identification :	✓
Copy of my passport	
Copy of my driving licence	
Copy utility bills (no older than 3 months)	
Copy of a bank statement (no older than 3 months)	

If you are carrying out a Subject Access Request on behalf of a child of 12 or over, they will need to sign the declaration to confirm they are happy for you to act on their behalf.

Declaration

I, the subject, confirm that I am happy for _____ to
undertake this subject access request on my behalf.

Name : _____

Signed : _____

Date : _____

ACCESS TO PERSONAL INFORMATION

PROOF OF CONSENT FORM

Section B - To be completed when acting on behalf of a child **under 12, or** an adult who lacks capacity.

I am undertaking this subject access request on behalf of : _____

My relationship to them is : _____
(e.g. partner, parent, legal guardian, main carer, advocate, etc.)

I enclose either a copy of:

- their birth certificate to confirm they are under 12 years
- or**
- my personal Welfare Power of Attorney for the subject

I enclose the following form of identification :	✓
Copy of my passport	
Copy of my driving licence	
Copy utility bills (no older than 3 months)	
Copy of a bank statement (no older than 3 months)	

Declaration

I confirm I am the subject's main carer.

Name : _____

Signed : _____

Date : _____