

Uffculme Academy Trust
Uffculme School and Uffculme Primary School

Data Protection Policy

June 2016

Approved by The Finance, Audit & Premises Committee on:

28th June 2016

Next review date June 2021

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 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 Academy Trust collects a large amount of personal data every year including: staff records, names and addresses of those requesting prospectuses, examination marks, references, fee collection as well as the many different types of research data used by the Trust. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

Responsibilities

The Trust must:

- Manage and process personal data properly
- Protect the individual's right to privacy
- Provide an individual with access to all personal data held on them.
- The Trust has a legal responsibility to comply with the Act. The Trust, as a corporate body, is named as the Data Controller under the Act.
- 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 practices and policies that are in line with the Act.
- The Trust 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 Trust is committed to maintaining the eight data protection principles at all times.

Data Protection Principles

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

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

Data Protection – The Law

Under the Data Protection Act 1998, and other regulating acts, access to their own personal information is a statutory right for pupils (if they are of an age to understand the information they request) and parents (as defined in the Education Act 1996) may also request access to their child's personal data.

Uffculme Academy Trust staff have a right of access to personal data on themselves.

Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinions.

Personal data should always be kept securely and protected by passwords if it is electronic, and access to it should only be by those authorised to see it – confidentiality should be respected. The law also provides that personal data should not be kept longer than is required.

Third party data (information about someone other than the requesting individual) should in general only be provided with their permission.

There should be a named person with overall responsibility for personal data within the Trust.

Processing, storing, archiving and deleting personal data: guidance

Personal data and Academy records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the Trust to enable the Trust to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools.

Records for a child should be kept for 7 years after the child leaves an Academy within the Trust or until the child reaches 25 years of age (whichever is greater) and examination records the same.

Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Executive Headteacher and with the knowledge, and if possible the agreement of the staff member concerned.

Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc.) these records should be retained as set out by the DfE.

Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.

All formal complaints made to the Directors, the Executive Headteacher or Academy Local Governing Bodies will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

Accessing Personal Data: Guidance

A child can request access to his/her own data. The request is not charged and does not have to be in writing. The staff will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion.

A parent can request access to or a copy of their child's Academy records and other information held about their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a charge for photocopying records – this is detailed in guidance available from the Information Commissioner. Staff should check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force.

Parents should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12. Parents are encouraged to discuss and explain any request for information with their child if they are aged 12 or over.

Separately from the Data Protection Act, The Education (Pupil Information)(England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at Academies within the Trust. Parents who wish to exercise this right must apply to the Trust in writing.

For educational records (unlike other personal data; see below) access must be provided within 15 Academy days, and if copies are requested, these must be supplied within 15 Academy days of payment.

A member of Uffculme Academy Trust staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of records.

The law requires that all requests for personal information are dealt with within 40 days of receipt except requests for educational records (see above). All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the Trust will arrange access to those documents already available, and notify the individual that other documents may be made available later.

In all cases, should third party information (information about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of the Trust staff (which is exempt from a requirement for third party consents). If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released.

Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data.

From 1st January 2005, when the Freedom of Information Act came into force, a request for personal information can include unstructured as well as structured records – for example, letters, emails etc. not kept within an individual's personal files, or filed by their name, but still directly relevant to them. If these would form part of a wider record it is advisable to file these within structured records as a matter of course and to avoid excessive administrative work. These can be requested if sufficient information is provided to identify them.

Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.

The Trust will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.