

# Rosebrook Primary School

## Data Protection Policy

### **Rationale**

The Data Protection Act 1998 (which came into force on the 1st March 2000) requires all organisations to secure any personal data they hold: this covers data held both electronically and on paper.

Personal data is defined as 'any combination of data items that identifies an individual and gives specific information about them, their families or circumstances. This includes names, contact details, gender, dates of birth, behaviour and assessment records. The Data Protection Act 1998 specifies additional data items as 'sensitive personal data', this includes medical records, criminal convictions and ethnic origin.'

The DPA regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them.

Rosebrook Primary School is committed to a policy of protecting the rights and privacy of individuals, including pupils, staff and others, in accordance with the DPA.

Rosebrook Primary School needs to process certain information about its staff, pupils and other individuals with whom it has a relationship for various purposes such as:

- the recruitment of staff;
- pupil admissions;
- the recording of a student's progress;
- complying with legal obligations to funding bodies and government.

To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 1998, Rosebrook Primary School ensures that all the information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

### **Compliance**

This policy applies to all staff and pupils of Rosebrook Primary School. Any breach of this policy, or of the Act itself will be considered an offence and the school's disciplinary procedures will be invoked.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

### **Gaining access to personal information**

Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/ manual files; electronic records; photographs), and may include facts or opinions about a person.

The DPA also sets out specific rights for school students in relation to educational records held within the state education system. These rights are set out in separate education regulations 'The Education (Pupil Information) (England) Regulations 2000.' More detailed information on these Regulations can be seen in the Data Protection Code of Practice for Schools.

### **Responsibilities under the Data Protection Act 1998**

Rosebrook Primary School will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data. The Headteacher (Valerie Rudd) is responsible for all day-to-day data protection matters, and will be

responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the school. The Headteacher is also responsible for ensuring that the school's notification is kept accurate. Details of the school's notification can be found on the Office of the Information Commissioner's website ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)). Compliance with the legislation is the personal responsibility of all members of the school who process personal information. Individuals who provide personal data to the school are responsible for ensuring that the information is accurate and up-to-date.

### **Data Protection Principles**

As a data controller, Rosebrook Primary School will process personal data in accordance with eight principles outlined in the Data Protection Code of Practice. All staff will also be made aware of the BECTA Good Practice Guide to information handling.

### **Consent as a basis for processing**

Personal data will not be used in newsletters, websites or other media without the consent of the data subject. School understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via signing a form). Consent obtained on the basis of misleading information will not be a valid basis for processing. Routine consent issues will be incorporated into the school's pupil data gathering sheets, to avoid the need for frequent, similar requests for consent being made by the school. School will ensure that any forms used to gather data on an individual will contain a statement explaining the use of that data, how the data may be disclosed, and also indicate whether or not the individual needs to consent to the processing. Although it is not always necessary to gain consent from individuals before processing their data, we recognise that it is often the best way to ensure that data is collected and processed in an open and transparent manner, especially when information is of a sensitive nature.

### **Subject Access Rights (SARs)**

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 should be treated as a Subject Access Request and the school will respond within the 40 day deadline. 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. More detailed guidance on responding to Subject Access Requests, can be found in the Data Protection Code of Practice.

### **Disclosure of Data**

Only disclosures which have been notified under the school's data protection notification must be made and therefore staff and pupils should exercise caution when asked to disclose personal data held on another individual or third party. Rosebrook Primary School undertakes not to disclose personal data to **unauthorised** third parties.

Telephone disclosures: when requests to disclose personal data are received by telephone, it is the responsibility of the school 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.

If a personal request is made for personal data to be disclosed it is again the responsibility of the school 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.

Legitimate disclosures may occur in the following instances:

the individual has given their consent to the disclosure;  
the disclosure has been notified to the Headteacher and is in the legitimate interests of the school;

- the school is legally obliged to disclose the information;
- the disclosure is required for the performance of a contract.

More detailed guidance on disclosures can be found in the Data Protection Code of Practice.

In no circumstances will Rosebrook Primary School sell any of its databases to a third party.

### **Publication of school information**

Rosebrook Primary School publishes various items which will include some personal data, e.g.

- event information
- staff information
- lists of pupils

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted to internal school access only. Therefore it is school's policy to offer an opportunity to opt-out of the publication of such when collecting the information.

Staff records appertaining to individual staff will remain of a confidential nature between the Headteacher and the member of staff.

### **E-mail and the use of the school internet**

It is the policy of Rosebrook Primary School to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information legislation, the contents of e-mails or the use of the internet, may have to be disclosed in response to a request for information. All staff will have signed an internet use policy and are aware of the school's guidelines on using the internet at school.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the school may be accessed by someone other than the recipient for system management and security purposes.

### **Data Protection Principles**

In order to comply with its obligations as a data controller, Rosebrook Primary School undertakes to:

#### *1 – Process personal data fairly and lawfully*

School will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

#### *2 – Process the data for the specific and lawful purpose for which it collected that data, and not further process the data in a manner incompatible with this purpose*

School will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

#### *3 – Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed*

School will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

#### *4 – Keep personal data accurate and, where necessary, up to date*

School will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the school if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the school to ensure that any notification regarding the change is noted and acted on.

*5 – Only keep personal data for as long as is necessary*

School undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Rosebrook Primary School will undertake a regular review of the information held and implement a weeding process when, e.g. pupils or a member of staff leaves the school. Rosebrook Primary School will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. manual records will be shredded or disposed of as 'confidential waste').

*6 – Process personal data in accordance with the rights of the data subject under the legislation*

Individuals have various rights under the legislation including:

- a right to be told the nature of the information the school holds and any parties to whom this may be disclosed;
- a right to prevent processing likely to cause damage or distress;
- a right to prevent processing for purposes of direct marketing;
- a right to be informed about the mechanics of any automated decision taking process that will significantly affect them;
- a right not to have significant decisions that will affect them taken solely by automated process;
- a right to sue for compensation if they suffer damage by any contravention of the legislation;
- a right to take action to rectify, block, erase, or destroy inaccurate data;
- a right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

*7 – Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data*

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties. Rosebrook Primary School will ensure that all personal data is accessible only to those who have a valid reason for using it. Rosebrook Primary School will have in place appropriate security measures e.g. ensuring that hard copy personal data is kept in lockable filing cabinets/cupboards with controlled access;  
keeping all personal data in a lockable room with key-controlled access;  
password protecting personal data held electronically;  
placing any PCs or terminals that show personal data so that they are not be visible except to authorised staff;

This policy also applies to staff and pupils who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

*8 – Ensure that no personal data is transferred to a country or a territory outside the European Economic Area unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data*

School will not transfer data to such territories without the explicit consent of the individual. This also applies to publishing information on the Internet where the transfer of data can include placing information on a website that can be accessed from outside the EEA. Rosebrook Primary School will always seek the consent of individuals before placing any personal data (including publishing photographs ) on its website.

More detailed guidance on how to comply with these Principles can be found in the Data Protection Code of Practice.

Approved by Governors.....

Reviewed.....