HOPEWELL SCHOOL
Data Protection Policy

The school collects and uses certain types of personal information about staff, pupils, parents and other individuals who come into contact with the school in order provide education and associated functions. 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. This policy is intended to ensure that personal information must be dealt with properly 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 used, recorded and stored and whether it is held in paper files or electronically.

Data Protection Principles
The Eight Data Protection Principles as laid down in the 1998 Data Protection Act must be followed at all times:

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.

The school is committed to maintaining those principles at all times. This means that the school will:

- tell you what purposes we will use information for when we collect it
- if information will be shared we will tell you why, with whom and under what circumstances
- check the quality and accuracy of the information we hold
- ensure that when information is authorised for disposal it is done appropriately
- ensure appropriate security measures to safeguard personal information whether that is held in paper files or on our computer system
- 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

- train our staff so that they are aware of our policies and procedures

This policy will be updated annually to reflect best practice or amendments made to the Data Protection Act 1998.

Complaints

Complaints under this policy should be made to the Chairperson of the Governing Body who will decide if it is appropriate for the complaint to be dealt with under the complaints procedure.
Complaints which are not dealt with under the school's complaint procedure should be forwarded in writing to the Information Commissioner. It is likely that complaints about procedural issues, due process and timeliness will be dealt with by the Governing Body, complaint that involve consideration of personal data or sensitive personal data should be referred to the Information Commissioner.

Contacts

If you have any concerns or questions in relation to this policy please contact the ***Headteacher*** who will also act as the contact point for any requests under the Data Protection Act.
Further advice and information, including a full list of exemptions, is available from the Information Commission, www.informationcommissioner.gov.uk

Appendix 1

Hopewell School

Procedures for Responding to Requests for Personal Information in Accordance with the Data Protection Act (1998)

Anybody who makes a request to see their file or their child's file or other personal data held on them is making a request under the Data Protection Act 1998. All information relating to the child including that held in day books, diaries and on electronic systems and email should be considered for disclosure.
There is a statutory exception to the above, where parents do have an automatic right to access defined materials under The Education (School Records) Regulations 1989. The school will observe these statutory rights.
If there is a current court order which relates to information regarding any child, that order must, regardless of other circumstances, be observed.

Dealing with a Data Protection Request

1. A request under the Data Protection Act must be made in writing.

2. In many cases a letter to the ***Headteacher*** will be sufficient to identify the information required. If the Headteacher cannot identify the information required from the initial request he/she can go back to the applicant to ask for more information.

3. The ***Headteacher*** must be confident of the identity of the individual making the request. This could be done by checking signatures against verified signatures on file or by asking the applicant to produce valid identification, such as a passport or photo-driving licence. These checks should be done in addition to proof of relationship with the child.

4. An individual only has the automatic right to access information about themselves. Requests from family members, carers or parents of a minor will have to be considered. The ***Headteacher*** will have responsibility for ensuring the child's welfare is appropriately considered in deciding whether to comply with a request. Normally the requester will have to prove both their relationship with the child and that disclosure is in the child's best interests to the satisfaction of the ***Headteacher***. In the event of a child having sufficient capacity to understand (normally age 12 or above) the ***Headteacher*** should discuss the request with the child and take their views into account when making a decision**.** There may be circumstance in which a child can refuse their consent to a request.

5. The school may charge a statutory fee, currently calculated on a sliding scale, but only if a permanent copy of the information is provided. If a letter is sent out requesting a fee the 40- calendar day statutory timescale does not begin until the fee is received. It is important though that no request is delayed unnecessarily by time taken to inform the applicant of a fee.

6. The school will make use of exemptions under the Act as appropriate. All files must be reviewed before any disclosure takes place. **Under no circumstance will access be granted immediately or before this review process has taken place.**

7. Where information has been provided to the School by a third party, for example by the local authority, the police, a health care professional or another school, but is held on the school's file it is normal to seek the consent of the third party before disclosing information. This must be done early in the process in order to stay within the 40-day timescale. Even if the third party does not consent or consent is explicitly not given the data may be disclosed. In these cases it may be appropriate to seek additional advice.

8. The applicant should be told about the data that the school holds, be given a copy of the data, be told the purposes for which it is processed and whether it has been shared with any other party. It is good practice to explain whether data has been withheld and if so why. There may be circumstances where this is not appropriate; the ***Headteacher*** should at all times consider the welfare of the child. The school should also to give details of who to contact in the event of a

complaint and the details of the Information Commission who can provide independent information.

9. Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or parts of the data can be retyped if this is more sensible. In any event a copy of the full document (before obscuring) and the altered document should be retained together with the reason why the document was altered. This is so, that in the event of a complaint, there is an audit trail of what was done and why.

10. Information can be provided by post (registered mail) or on deposit at the school. If the latter is used the applicant must have access to a photocopier in case they want a permanent copy of their data. In considering the method of delivery the views of the applicant should be taken into account. Any codes, technical terms or abbreviations should be explained. Any data which is difficult to read or illegible should be retyped.

11. Schools should monitor the number of requests received and document whether they are dealt with within the 40-calendar day statutory timescale.

12. The Act applies only to living individuals.

Complaints

Complaints about the operation of these procedures should be made to the Chairperson of the Governing Body who will decide if it is appropriate for the compliant to be dealt with under the complaints procedure. Complaints which are not dealt with under the school's complaint procedure should be forwarded in writing to the Information Commissioner. It is likely that complaints about procedural issues, due process and timeliness will be dealt with by the Governing Body, complaints that involve consideration of personal data or sensitive personal data should be referred to the Information Commissioner.

Policy Reviewed on: 28th November 2016

Policy Reviewed by: Susan Mayo

Ratified by Governors: *Date to be confirmed*