



## **Data Protection Policy March 2017**

The schools collect and use personal information (referred to in the Data Protection Act as personal data) about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable the provision of education and other associated functions. In addition, the school may be required by law to collect, use and share certain information.

The schools are registered as a Data Controller, with the Information Commissioner's Office (ICO). Details are available on the ICO website.  
<https://ico.org.uk>

The schools issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other organisations to whom it may be passed on to.

### **Purpose**

This policy sets out how the schools deal with personal information correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation.

This policy applies to all personal information however it is collected, used, recorded and stored and whether it is held on paper or electronically.

All school staff and governors involved with the collection, use, processing or disclosure of personal data will be aware of their duties and responsibilities and will adhere to this policy.

### **What is Personal Information/ data?**

Personal information or data is information which relates to a living individual who can be identified from that data, or from that data in addition to other information available to them. Personal data includes (but is not limited to) an individual's, name, address, date of birth, photograph, bank details and other information that identifies them.

### **Data Protection Principles**

The Data Protection Act 1998 establishes eight principles that must be adhered to at all times:

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

### **Commitment**

The schools are committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why personal information is being collected.
- Inform individuals when their information is shared, and why and with whom unless the Data Protection Act provides a reason not to do this.
- Check the accuracy of the information it holds and review it at regular intervals.
- Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
- Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Ensure that personal information is not retained longer than it is needed.
- Ensure that when information is destroyed that it is done so appropriately and securely.
- Share personal information with others only when it is legally appropriate to do so.
- Comply with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure that personal information is not transferred outside the EEA without the appropriate safeguards
- Ensure all staff and governors are aware of and understand these policies and procedures.

There are specific guidance and procedures for:

- Children and young people: information held by local authorities  
Please see Appendix One below
- Children in need or children looked after: information held by local authorities  
Please see Appendix Two below
- Information about pupils in schools, alternative provision, pupil referral units and children in early years settings  
Please see Appendix Three below
- The school workforce: those employed to teach, or otherwise engaged to work at, a school or a local authority. Please see Appendix Four below

### **Complaints**

Complaints will be dealt with in accordance with the Federation's complaints policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or a [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns)

### **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Head of School or nominated representative.

### **Contacts**

If you have any enquires in relation to this policy, please contact the Head of School who will also act as the contact point for any subject access requests.

Policy introduced 27.04.15 -at policy committee

Ratified at FGB:18.05.15      minute ref:13

Ratified FGB 22.05.17

Chair of governors:



Heads of School:



## Appendix One

### Children and young people: information held by local authorities

#### **The Data Protection Act 1998: How we use your information**

We use information about children and young people to enable us to carry out specific functions for which we are responsible. We also use this personal data to derive statistics which inform decisions we make (e.g.) regarding the funding of schools, assess their performance and to set targets for them. These statistics are used in such a way that individual children cannot be identified.

**Youth Support Services** - For pupils aged 13 and over, schools are legally required to pass certain information to the provider of Youth Support Services in their area. This is the local authority support service for young people in England who are aged 13 to 19.

**Primary Care Trusts (PCTs)** use information about pupils for research and statistical purposes, to develop, monitor and evaluate the performance of local health services. These statistics will not identify individual pupils. It is necessary for certain health information about children (e.g. such as their height and weight) to be retained for a certain period of time (designated by the Department of Health) and requires these PCTs to maintain children's names and addresses for this purpose. PCTs may also provide individual schools and LAs with aggregated health information which will not identify individual children.

**Education and training:** we hold information about young people living in our area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special education need or disability). Education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to us to help us to do this<sup>1</sup>.

We share some of the information we collect with the Department for Education (DfE) to enable them to; produce statistics, assess our performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

We may also share information with post-16 education and training providers to secure appropriate support for them. We may also share data with education establishments which shows what their pupils go on to do after the age of 16.

For children under 16, a parent or guardian can ask that no information other than their child's name, address and date of birth (or their own name and address) be

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<sup>1</sup> [Under the Education and Skills Act 2008, parts 1 and 2](#)

passed to a local authority. This right transfers to the child on their 16th birthday. Pupils and/or a parent/guardian will need to inform the school/LA if this is what they wish.

DfE may share individual level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you require more information about how we and/or DfE store and use your personal data please visit:

- our website : [www.bedenhamandholbrookfederation.co.uk](http://www.bedenhamandholbrookfederation.co.uk)
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Appendix Two

## **Children in need or children looked after: information held by local authorities**

### **The Data Protection Act 1998: How we use your information**

We collect and process information about children in our care and children to whom we provide services. We use this personal data to:

- support these children and monitor their progress
- provide them with pastoral care; and
- assess the quality of our services

We will not give information about children in our care to anyone without relevant consent unless the law and our policies allow us to do so.

We are required, by law, to pass on some of this information to the Department for Education (DfE) which uses it to; develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice.

DfE may share child level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance

with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

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For information on which third party organisations (and for which project) pupil level data has been provided to, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you require more information about how we and/or the DfE use this information, please visit:

our website at: [www.bedenhamandholbrookfederation.co.uk](http://www.bedenhamandholbrookfederation.co.uk)

- the DfE's website at: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you are within one of these groups of children and want to see a copy of information about you that we hold, please contact:

- [FOI@hants.gov.uk](mailto:FOI@hants.gov.uk) or phone 01962 846522

Appendix Three

## **Information about pupils in schools, alternative provision, pupil referral units and children in early years settings**

### **Data Protection Act 1998: How we use pupil information**

We collect and hold personal information relating to our pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE). We use this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

This information will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special

educational needs they may have as well as relevant medical information. For pupils enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.

We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. If you want to receive a copy of the information about your son/daughter that we hold, please contact: Mrs Sue Pellatt on 01329 280445.

We are required, by law, to pass certain information about our pupils to our local authority (LA) and the Department for Education (DfE).

DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

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For information on which third party organisations (and for which project) pupil level data has been provided to, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at [FOI@hants.gov.uk](mailto:FOI@hants.gov.uk) or phone 01962 846522 or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

## Appendix Four

### **The school workforce: those employed to teach, or otherwise engaged to work at, a school or a local authority**

#### **The Data Protection Act 1998: How we use your information**

We process personal data relating to those we employ to work at, or otherwise engage to work at, our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The

collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- our local authority
- the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data please visit:

- <http://www.bedenhamandholbrookfederation.co.uk>
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to see a copy of information about you that we hold, please contact:

[FOI@hants.gov.uk](mailto:FOI@hants.gov.uk) or phone 01962 846522