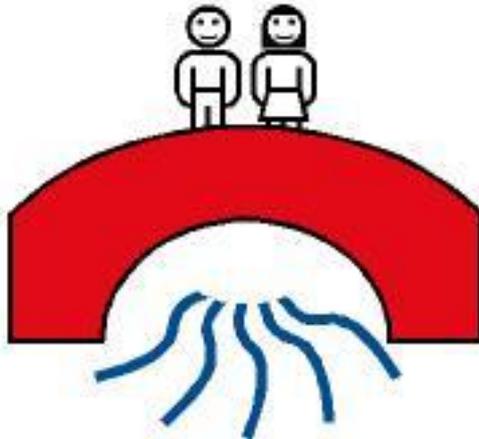


# Loddon Primary School



## Data Protection Policy

Authors: Jenny Sumner & Sarah Phillips

Committee responsible: Personnel Committee

Date of last review: April 2016

Date of next review: April 2018

Authorised on \_\_\_\_\_ (date)

\_\_\_\_\_ (signature)

Sarah Phillips

Headteacher

\_\_\_\_\_ (signature)

Donald MacDonald\_(name)

Committee Chair

Loddon Primary collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated purposes. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are available on the ICO's website. The school issues a Fair Processing Notice to all pupils/parents (see appendix 2) and to staff. This summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

### **What is the Purpose of this Policy?**

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.

### **Additional information is in the following school policies**

- ICT security
- E Safety
- Code of conduct

### **What is Personal Information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

### **Data Protection Principles**

The Data Protection Act 1998 sets out 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.

## **General Statement**

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

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

## **Complaints**

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner.

## **Training**

The Headteacher and SBM have completed Data Protection training. All staff sign a confidentiality agreement and the e-safety policy acceptable use statement

## **Data integrity and security**

Data information sheets are distributed annually to all staff and parents so they can check that the personal information is accurate.

Parents must give explicit permission before a child to be photographed by the school (Appendix 3) and for photographs to be put on the school website (see e-safety policy).

Our data security procedures are described in the school e-safety and ICT security policies.

Staff to sign a confidentiality agreement and agree to follow the Local Authority code of conduct which includes policies on confidentiality and disclosure of personal information.

The local authority guidelines are followed for disposal of data.

## **Review**

This policy will be reviewed as it is deemed appropriate, but every 2 years as a minimum. The policy review will be undertaken by the Headteacher, or nominated representative.

## **Contacts**

If you have any enquires in relation to this policy, please contact the Headteacher who will also act as the point of contact for any subject access requests. Further advice and information is available from the Information Commissioner's Office [www.ico.gov.uk](http://www.ico.gov.uk)

## Appendix 1

### **Loddon Primary: Procedures for responding to subject access requests under the Data Protection Act 1998**

#### **Rights of access to information**

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

#### **Handling a subject access request**

1. Requests for information must be made in writing; which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made. A form is included in this appendix.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting for example:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement
3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.
4. The school may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
  - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.

5. The response time for subject access requests, once officially received, is 40 days **(NB not working or school days but calendar days, irrespective of school holiday periods)**. However the 40 days will not commence until after receipt of fees or clarification of information sought

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. The 40 day statutory timescale still applies.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaints procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office - [www.ico.gov.uk](http://www.ico.gov.uk)

## ACCESS TO PERSONAL DATA REQUEST - DATA PROTECTION ACT 1998 Section 7.

Enquirer's

Last Name		First Name	
Address			
Post Code			
Telephone Number			
Email Address			

Are you the person who is the subject of the records you are enquiring about (i.e. the "Data Subject")?

YES  NO

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about?

YES  NO

If YES, Name of child or children about whose personal data records you are enquiring

Child(ren) Name	
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Description of Concern / Area of Concern

Description of Information or Topic(s) Requested (In your own words)

Additional information

Please despatch Reply to: *(if different from enquirer's details as stated on this form)*

Last Name		First Name	
Address			
Post Code			
Telephone Number			
Email Address			

### DATA SUBJECT DECLARATION

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent) \_\_\_\_\_

Name of "Data Subject" (or Subject's Parent) \_\_\_\_\_

**PRIVACY NOTICE**  
for  
*Pupils in Schools, Alternative Provision and Pupil Referral Units*

**Privacy Notice - Data Protection Act 1998**

We, **Loddon Primary**, 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 (which will include basic information about your parents), national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information.

***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. For children of statutory school age we also make records available to their new school when they transfer schools.

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

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

[www.wokingham.gov.uk/schoolprivacy](http://www.wokingham.gov.uk/schoolprivacy)

or

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

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

Data Protection Officer, Wokingham Direct,  
**Wokingham Borough Council**,  
Shute End,  
Wokingham, RG40 1WH  
Website: [www.wokingham.gov.uk](http://www.wokingham.gov.uk)  
Email: [wokingham.direct@wokingham.gov.uk](mailto:wokingham.direct@wokingham.gov.uk)

Public Communications Unit,  
**Department for Education**  
Sanctuary Buildings,  
Great Smith Street,  
London, SW1P 3BT  
Website: [www.education.gov.uk](http://www.education.gov.uk)  
Email: <http://www.education.gov.uk/help/contactus>  
Telephone: 0370 000 2288

## PRIVACY NOTICE

*School Workforce: those employed or otherwise engaged to work at a school or the Local Authority*

### Privacy Notice - Data Protection Act 1998

We, Loddon Primary 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 or Local Authority. 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 or Local Authority (LA) 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 LA
- the Department for Education (DfE)

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

- [www.wokingham.gov.uk/schoolprivacy](http://www.wokingham.gov.uk/schoolprivacy)

and

- <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 LA or DfE as follows:

Data Protection Officer

**Governance and Democratic Services**, Wokingham Borough Council

PO Box 15, Shute End, Wokingham, RG40 1WH

Website: [www.wokingham.gov.uk](http://www.wokingham.gov.uk)

Email: [wokingham.direct@wokingham.gov.uk](mailto:wokingham.direct@wokingham.gov.uk)

Telephone: 0118 974 6000

Public Communications Unit

**Department for Education**

Sanctuary Buildings

Great Smith Street

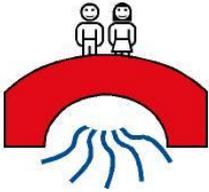
London, SW1P 3BT

Website: [www.education.gov.uk](http://www.education.gov.uk)

Email: [info@education.gsi.gov.uk](mailto:info@education.gsi.gov.uk)

Telephone: 0370 000 2288

**Loddon  
Primary School**



# LODDON PRIMARY SCHOOL

## CONSENT FORM FOR PHOTOGRAPHIC USE

(Child or young person under 18)

PLEASE NOTE: FAILURE TO RETURN THIS FORM WILL MEAN YOUR CHILD WILL NOT BE PHOTOGRAPHED AT THE SCHOOL

I/We (Capital letters, please) \_\_\_\_\_

of (Address) \_\_\_\_\_

Contact Telephone number (s) \_\_\_\_\_

being the person(s) having parental responsibility for

(Child's Name) \_\_\_\_\_ ("the child") in Class \_\_\_\_\_

of (Address) \_\_\_\_\_

please tick the correct box

agree to

do not agree to

the child being photographed by a photographer (including by a school or newspaper photographer) and the image of the child contained in any photograph produced being used in connection with any publicity relating to the functions of Wokingham Borough Council and Loddon Primary School generally. This could include, for example:

- guides to council services
- the council's newspaper for residents, Wokingham Borough News
- the council's official website
- the school prospectus

I/we understand that by agreeing to this, we agree to the child's name being used in any caption or article used with the photograph as appropriate

I/we understand that if and to the extent that any resultant photograph constitutes personal data within the meaning of the Data Protection Act 1998, my/our consent operates as consent on behalf of the child, required by the act, but only for the purpose indicated above.

SIGNED \_\_\_\_\_

Date \_\_\_\_\_

**Ref: Primary\ Photographs\ ConsentForm(Sept 06)**

## Appendix 4 - Freedom of Information Act (from West Berks model policy)

### Access to other school information - guidance on Freedom of Information Publication Schemes

Under the Freedom of Information Act 2000, all schools (primary, secondary and nursery) should have a 'publication scheme' - essentially a formal list of the types of non-personal information which the school produces or holds, and which is readily accessible to staff, pupils and parents or other enquirers.

[http://ico.org.uk/~media/documents/library/Freedom\\_of\\_Information/Detailed\\_specialist\\_guides/definition-document-schools-in-england.pdf](http://ico.org.uk/~media/documents/library/Freedom_of_Information/Detailed_specialist_guides/definition-document-schools-in-england.pdf)

- The publication scheme should be available as a hard copy and also posted on the website (if the school has one). The model scheme supplied by the Information Commissioner's Office should have been adopted from January 2009.
- Schools can link this document via their website to a list of publications with details of contacts and costs, and any appropriate downloads.
- There should be a named person with overall responsibility for published information within each school. In most cases this would be the Head Teacher.

### Requests for information

- The Freedom of Information Act came into force on 1<sup>st</sup> January 2005. Under this Act, all schools which receive a written or emailed request for information which they hold or publish, are required to respond within 20 working days.
- The school will provide information on where to access the information required eg. the website link, or details of a charge if the publication/ information is charged, or send any free information. If the item is charged the school does not need to provide it until the payment is received.
- A refusal of any information requested must state the relevant exemption which has been applied or that the school does not hold the information, and must explain what public interest test has made if this applies.
- If the information is published by another organisation (for example, Ofsted reports, DCSF leaflets) the school can direct the enquirer to the organisation which supplied the information or publication unless it is legal and possible to provide the information direct (for example, a copy of the summary of an Ofsted report, spare copies of a DCSF leaflet ).
- It will not be legal to photocopy a publication in its entirety and supply this to an enquirer unless the school owns the copyright - this is particularly important where the original publication was a charged item.
- The school will keep the original request and note against this who dealt with the request and when the information was provided.
- Any complaint about the provision of information will be handled by the Head Teacher or another senior member of staff. All complaints should be in writing and documented. The Publication Scheme will include information on who to contact for both enquiries and complaints.
- All enquirers should be advised that they may complain to the information Commissioner if they are unhappy with the way their request has been handled.

