Data Protection Procedures

Date	Review Date	Coordinator	Nominated Governor
Spring 2025	Spring 2026	Lindsey Lewins	Richard Kirbyshaw

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- EC Convention on Human Rights and Fundamental Freedoms 1950
- Rehabilitation of Offenders Act 1974
- Access to Medical Records 1988
- Data Protection Directive 95/46/EC
- Asylum and Immigration Act 1996
- Employment Rights Act 1996
- Data Protection Act 2018
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Freedom of Information Act 2000
- Regulation of Investigatory Powers Act 2000
- Telecommunications (Lawful Business Practice) Regulations 2000
- Equality Act 2010
- Protection of Freedoms Act 2012

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

We are aware that the Brexit transition period ended on 31 December 2020 and, therefore, UK organisations that process personal data must now comply with the:

- DPA (Data Protection Act) 2018 and UK GDPR (General Data Protection Regulation) if they process only domestic personal data;
- DPA 2018 and UK GDPR, and the EU GDPR if they process domestic personal data and offer goods and services to, or monitor the behaviour of, EU residents.

We believe that all personal data covered by the Data Protection Act 2018 includes the school admission register, attendance registers, pupils' curricular records, assessment data, class lists,

reports to parents, pupils' disciplinary records, school personnel files, school financial information, school strategic and school improvement plans, recorded CCTV footage, pupils'

family and home contact details, records of contractors and suppliers and records of pupils entering public examinations.

We hold personal information relating to pupils to support pupils' learning, monitor and report on their progress, provide appropriate pastoral care and assess the quality of our services.

We will ensure that under the Data Protection Act 2018 all school personnel are able to access their personal data that is held about them. We believe it is our duty to respond to any request of access within 40 days.

We will ensure a pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

We aim to fulfill our obligations under the Data Protection Act 2018 and to protect the right of school personnel and pupils to privacy in line with the Act.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To allow all school personnel their right to have access to their personal data.
- To allow all parents their right of access to their child's records.
- To protect all school personnel's right to privacy in line with the Data Protection Act 1998.
- To protect all pupils right to privacy in line with the Data Protection Act 1998.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- the responsibility to comply with the legal requirements of the Data Protection Act 1998
- the responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998;
- delegated powers and responsibilities to the Headteacher as 'Data Controller' for the school;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- nominated a link governor to:

  - ☐ visit the school regularly;
  - ☐ work closely with the Headteacher and the coordinator;
  - ☐ ensure this policy and other linked policies are up to date;
  - ☐ ensure that everyone connected with the school is aware of this policy;
  - ☐ attend training related to this policy;
  - ☐ report to the Governing Body every term;
  - ☐ annually report to the Governing Body on the success and development of this policy.

- responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- act as 'Data Controller' for the school;
- ensure the school complies with the Data Protection Act 2018 and the eight data protection principles;
- ensure all data is processed fairly and lawfully;
- ensure security measures and confidential systems are in place to protect personal data and pupil records;
- ensure data is obtained for specific and lawful purposes;

- ensure data is adequate, relevant and not excessive;
- ensure all personal data is accurate and that inaccurate data is corrected or erased;
- ensure that at the beginning of every academic year all school personnel will receive a copy of their personal data;
- ensure procedures are in place to deal with requests for access to personal data;
- ensure data is not kept longer than is necessary;
- ensure school personnel are aware of their rights;
- ensure school personnel are aware of their responsibilities;
- ensure a pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days;
- ensure a Common Transfer File is sent when a pupil joins another school;
- make effective use of relevant research and information to improve this policy;
- work closely with the link governor;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy by speaking with pupils, school personnel, parents and governors;
- annually report to the Governing Body on the success and development of this policy

Role of School Personnel

School personnel will:

- comply with all aspects of this policy;
- be aware of all other linked policies;
- follow the safe and confidential system procedures that are in place to protect personal data and pupil records;
- receive a copy of their personal data at the beginning of every academic year:
- check this data and will inform the Data Controller of any mistakes;
- apply in writing for access to their personal data;
- comply and respect confidentiality of personal information at all times but especially when involved with interviewing new school personnel;
- provide accurate and up to date personal information;
- inform the school and the local authority of any changes to their personal data
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

Data Protection Principles

Personal data must:

- be processed lawfully;
- be obtained and processed for specific and lawful purposes;
- be sufficient, appropriate and not excessive in relation to the precise purpose;
- be accurate and up to date;
- not be kept for a great length of time;
- be processed in agreement with the individual's legal rights;
- be protected against unlawful processing, accidental loss, destruction or damage;
- not be transferred outside the EU unless the rights and freedom of the individual is protected

Personal Information Relating to School Personnel

We hold the following information:

- contact details
- National Insurance numbers
- ethnic group
- employment contracts
- remuneration details
- qualifications
- absence information

Personal Information Relating to Pupils

We hold the following information:

- contact details
- national curriculum assessment results
- attendance information
- any exclusion information
- transferring school
- ethnic group
- any special needs
- relevant medical information

Security Measures

We work in conjunction with the local authority Code of Practice to ensure that computers and servers comply with all up to date Government regulations and are secure with:

- anti-virus software;
- fire wall software;
- passwords.

All school personnel are trained:

- to be discreet and confidential;
- to consider the safe and secure positioning of computers;
- to back up data;
- to turn off computers when not in use;
- to remember password access;
- to lock filing cabinets and doors to offices;
- to shred confidential material;
- to clear their desk before they leave school;
- not to use non-encrypted data storage devises for sensitive data;
- to use only school USB Flash Drives that comply with current encryption standards;
- not to remove or copy sensitive or personal data from the school's premises;
- not to publish any documents containing personal data on externally accessible websites;
- to securely delete sensitive or personal information from their systems once it is no longer required.

Disclosure of Data

Personal data cannot be disclosed to a third party without the consent of the individual except when it is legally required.

Requests for Access to Data

All requests from school personnel for access to their data must be made in writing on headed note paper and sent to the data controller.

Rights of Individuals

Individuals have rights to:

- know when their data is being processed, the reason it is being processed and the name of the person or organisation requesting the information;
- prevent processing which could be harmful to them or others;
- prevent the processing of their performance management records;
- go to court to prevent inaccurate data being used;
- be compensated if a data controller contravenes the Data Protection Act 2018;
- stop data being processed for direct marketing

Individuals are not entitled to:

- copies of their references;
- information on pay reviews;
- examination results until they have been released

Grievance Procedure

Any member of the school personnel who disputes any aspect of their personal data with the Data Controller has the right to take up the matter under the school's formal grievance procedures.

Rights of Parents, Carers and Pupils

Pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

Pupil's may also request (in writing) access to their educational records.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- School website;

- Staff Room notice board
- School events;
- Meetings with school personnel;
- Headteacher reports to the Governing Body;
- Information in the main school entrance;
- Text messages
- Email
- Parent communication platform

Training

We:

- have in place appropriate training for this policy that covers:

  - ☐ All aspects of this policy
  - ☐ Data Protection Act 2018
  - ☐ Freedom of Information 2000
  - ☐ Access to Personal Records
  - ☐ E-safety
  - ☐ Grievance Procedure
  - ☐ Equal opportunities
  - ☐ Inclusion

- ensure the content of all training is correct, delivered well and engages staff as we believe that the more engaging training is, the better the outcomes that we need to measure;
- have in place evidence for all staff:

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Race Disparity Audit

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

Linked Policies

- Equality
- E-Safety
- Freedom of Information Act
- Grievance Procedure

We believe this school policy:

- is an essential part of the school;
- supports staff in managing certain situations;
- forms an important framework that will ensure consistency in applying values and principles throughout the establishment;
- provides guidance, consistency, accountability, efficiency, and clarity on how the school operates;
- provides a roadmap for day-to-day operations;
- ensures compliance with laws and regulations, gives guidance for decision-making, and streamlining internal processes;
- is designed to influence and determine all major decisions, actions and all activities taking place within the boundaries set by them;
- stems from the school's vision and objectives which are formed in strategic management meetings