

## Data Protection Policy

### This policy is a whole school policy including EYFS

This policy is to be read in conjunction with our Terms and Conditions, Online safety, Safer Recruitment policy, Safeguarding and Child Protection policy, Foundation stage policy and Whistleblowing and Poor Practice policy, Low level Concerns Policy, Pupils – Acceptable Use Policy, Staff – Acceptable Use Policy, Privacy Notice for Parents Staff Handbook & Code of Conduct

### 1. Introduction

This policy adheres to the following ISI Welfare, Health & Safety of Pupils Regulatory Standards which covers the whole school including EYFS.

ISI Regulatory Standard	Description
Part 3 Paragraph 145(h)	The management of personal data in line with statutory requirements.
EYFS Section 3 3.68 – 3.71	Parents and/or carers must be given access to all records about their child, provided that no relevant exemptions apply to their disclosure under the Data Protection Act.

### 2. Data Protection Controller

The School is registered under the Date Protection Act and is a Data Protection Controller (“DPC”) with the Information Commissioners Office.

The School has appointed the Nursery Manager, Shirley Offer as the Data Protection Controller. The DPC will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1988.

Organisation name: Taypenny Schools Limited

Registration reference: Z8729563

### 3. The Principles

The Data Protection Act addresses 2 main issues:

1. Anyone who records and uses personal information must follow eight principles of good information handling
2. It grants individuals certain rights including the right to see information that is held about them and to have it corrected if it is wrong.

- The School shall, so far as is reasonably practicable, comply with the Principles to ensure all data is:
- Fairly and lawfully processed
- Processed for lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subjects rights
- Secure
- Not transferred to other countries without adequate protection

## **4. Personal Data**

Personal data covers both facts and opinions about an identifiable living individual that is processed as data. The school may process a wide range of personal data of staff, pupils and their parents or guardians as part of its operation. This personal data may include (but is not limited to) names and contact details, bank details, academic, disciplinary, admission and attendance records, references, images of pupils, examination scripts and marks. Individuals are made aware of the collection and use of data through this policy and the Schools Terms and Conditions. Consent is informed and freely given through the completion of the pupil registration form and through the staff recruitment process.

Generally, the school receives personal data from the individual directly (or, in the case of pupils, parents). However, in some cases personal data may be supplied by third parties (for example another school, or other professionals or authorities working with that individual), or collected from publicly available sources.

## **5. Sensitive Personal Data**

The School may, from time to time, be required to process sensitive personal data regarding a member of staff, pupil, their parents or guardians. Sensitive personal data may include details of physical and mental health; details of commission or alleged commission of offences; details of trade union membership; sexual orientation; race or ethnic origin and political or religious belief. Where sensitive personal data is processed by the school, the explicit consent of the appropriate individual will generally be required in writing.

## **6. Use of data by the School**

The school will use (and where appropriate share with third parties) personal data about individuals for a number of purposes as part of its operations, including as follows;

- For the purpose of pupil selection and to confirm the identity of prospective pupils and their parents;
- To provide education services (including SEND), career services, and extra-curricular activities to pupils; monitoring pupils progress and educational needs and the school community;
- For the purposes of management planning and forecasting and to enable the relevant authorities to monitor the schools performance;
- To give and receive information and references about past, current and prospective pupils and staff, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- To enable pupils to take part in national or other assessments, and to publish results of public examinations or other achievements of pupils of the school;
- To safeguard pupils welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency or accident, including by disclosing details of an individual's medical condition where it is in the individuals interests to do so, for example for medical advice, insurance purposes or to organisers of school trips;
- To monitor (as appropriate) use of the schools computing and communications systems in accordance with the schools Acceptable use policy and Online Safety Policy;
- To make use of photographic images of pupils in school publications, on the school website and (where appropriate) on the schools social media channels in accordance with the schools policy on taking, storing and using images of children;
- For security purposes, and for regulatory and legal purposes (for example child protection and health and safety) and to comply with its legal obligations;
- Where otherwise reasonably necessary for the schools purposes, including to obtain appropriate professional advice and insurance for the school.

The Data Protection Act does not prevent parents from taking photographs of events such as the Christmas play or sports day. Photos taken purely for personal use are exempt from the Data Protection Act. For safeguarding reasons we request that photographs and videos must only be for family use and should not be shared on social media or websites.

## **7. Right of Access**

Subject access provides a right to see the information contained in personal data, rather than a right to see the documents that include that information. Any individual wishing to access their personal data should put their request in writing to the Data Protection Controller.

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 calendar days.

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the school, they have sufficient maturity to understand the request they are making. Pupils aged 12 or over are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested. All subject access requests from pupils will therefore be considered on a case by case basis.

Please note that the School may make a charge of up to £10 for responding to a subject access request and up to £50 (on a sliding scale for photocopying charges) for access to a pupil's educational record.

Certain data is exempt from the right of access under the Data Protection Act. This may include information which identifies other individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts.

The School will also treat as confidential any reference given by the School for the purpose of education or prospective education, training or employment.

The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or if, disclosure is reasonable in all circumstances.

## **8. Exemptions**

Certain data is exempted from provisions of the Data Protection Act which includes the Following:

- Crime prevention and taxation;
- National Security;
- Orders made for Health, Education, Social Work;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

Personal data processed for any of these purposes is exempt from:

- The schools duty to comply with the first data protection principle but not including the duty to satisfy one or more of the conditions for processing; and
- An individual's right to make a subject access request.

## **9. Rights**

The rights under the Act belong to the individual to whom the data relates. However, the school will in most cases rely on parental consent to process personal data relating to pupils (if consent is required under the Act) unless, given the nature of processing in question, and the pupils age and understanding, it is more appropriate to rely on the pupils consent. Parents should beware that in such situations they may not be consulted.

In general, the school will assume that pupils consent to disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about pupils activities, progress and behaviour, and in the interests of the pupils welfare, unless, in the schools opinion, there is a good reason to do otherwise.

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils. Pupils and staff are required to respect the personal data and privacy of others, and to comply with the schools acceptable use policy and school rules.

## **10. Accuracy**

The School will endeavour to ensure that all personal data held in relation to a pupil is accurate. Individuals must notify the DPC/DPO of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under the Act) and may do so by contacting the DPC or DPO in writing.

## **11. Security**

The School will take reasonable steps to ensure that personal data is only accessible to those requiring access for a specific purpose; it is recognised that sensitive data will require a greater level of security. There is no blanket right given to senior members of staff to access all information held by the school, each request will be considered on a case by case basis.

The School uses an external company to manage paper disposal. This companies complies with EN15713 which deals with the compliance around secure destruction of

confidential material. The school has a shred all policy to avoid data breaches. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

## **12. Retention of Data**

The School will keep records in such a way that the individual can inspect them. Records will not be kept for longer than is necessary. The School will follow the latest retention guidelines for schools provided by The Information and Records Management Society. Every effort is made to ensure that any retention periods are compliant with the requirements of the Data Protection Act 1998 and Freedom of Information Act 2000.

## **13. Enforcement**

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the School complaints procedure and notify the DPC.

Non-compliance with the requirements of the Data Protection Act by members of staff could lead to serious action being taken by third parties against the school. It should be noted that an individual can commit a criminal offence under the Act, for example by obtaining and/or disclosing personal data for his/her own purposes without the consent of the Data Controller.

## **14. Monitoring and review**

This policy is the Headteacher's ongoing responsibility and its effectiveness is reviewed annually in consultation with the staff.

**Signed Headteacher:** *Sally Cox*

**Date:** 17/8/2022