



**Darell Primary and Nursery School**

# **Data Protection Policy and Freedom of Information Scheme**

**The Status of the policy:** Statutory

**The purpose of the policy** is to ensure that the school acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data and when making it available to individuals. The purpose is also to ensure that the school complies with the publication requirements of the Freedom of Information Act 2000. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, irrespective of whether it is held in paper files or electronically.

**This policy contains the following appendices:**

- Privacy Notice (Children)
- Subject Access Requests: procedure
- Freedom of Information Scheme

**Monitoring and evaluation:**

This policy is reviewed biennially and monitored by the Welcome Committee

Date established:

September 2016

Date for next review:

May 2018

Signed:

A handwritten signature in black ink, appearing to be 'S. P. R.', written over a horizontal line.

Chair of Welcome Committee

Signed:

A handwritten signature in black ink, appearing to be 'J. P. S.', written over a horizontal line.

Headteacher

## Summary and Purpose

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

The school has a legal responsibility to comply with the Data Protection Act 1998 ("DPA") and the Freedom of Information Act 2000 ("FOIA").

Schools have a duty to be registered, as data controllers, with the Information Commissioner's Office (ICO), detailing the type of information held and its use. Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies that are in line with the DPA.

The objective of the policy is to ensure that the school acts within the requirements of the Act when retaining and storing personal data, and when making it available to individuals. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, irrespective of whether it is held in paper files or electronically.

The school will:

- Manage and process personal data properly, ensuring security measures and confidential systems are in place to protect personal data and pupil records;
- Protect the individual's right to privacy;
- Put procedures in place to manage and respond to individuals' requests for access to personal data under the DPA;
- Meet its legal obligation to supply certain information to enquirers under the Freedom of Information Act 2000 (FOIA) and keep the scope and accuracy of this information under review
- Ensure that staff are aware of their rights and responsibilities relating to the collection, processing and disclosure of personal data.

The Head Teacher has overall responsibility within the school for compliance with data protection legislation.

## **Data Protection: What is personal data?**

Personal data or information is defined as information which relates to a living individual who can be identified from that data alone or from other information in the data holder's possession.

## **Data Protection Principles**

The DPA establishes eight principles that must be adhered to at all times, requiring that personal data is:

1. processed fairly and lawfully;
2. obtained only for one or more specified and lawful purposes;
3. accurate and, where necessary, kept up to date;
4. adequate, relevant and not excessive;
5. not kept for longer than is necessary;
6. processed in accordance with the rights of data subjects under the Act;
7. kept secure by taking appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data; and
8. not transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

## **Data Protection: General Statement**

The School is committed to maintaining the above Data Protection Principles at all times. Therefore the school will:

- Inform individuals why they need their personal information, how we will use it and with whom it may be shared. This is known as a Privacy Notice;
- 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 that it is done 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.

Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child. The law also permits such information to be shared with other educational establishments when pupils change schools. We are also permitted or required by law to disclose information in certain circumstances (such as where disclosure is in the vital interests of the individual, e.g. to

Schools, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the education system.

The school has a Fair Processing or Privacy Notice which explains how personal data is used and with whom it will be shared. The School's **Privacy Notice** is attached at **Appendix 1**.

### **Accessing Personal Data**

Pupils, as data subjects, have certain rights under the DPA, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If parents want to request to access the personal data held about their child, they should contact the School in writing. Parents also have certain rights to their child's education records under the Education (Pupil Information)(England) Regulations 2005.

Further guidance on such so-called **Subject Access Requests** is provided at **Appendix 2**.

### **Freedom of Information**

The school is obliged under the FOIA to make available certain information to enquirers. This is subject to a number of exceptions set out in the Act.

**Appendix 3** is our **Freedom of Information publication scheme**, providing a guide to the information which we make available, and giving details of where the information can be found / obtained.

### **Complaints**

Complaints will be dealt with in accordance with the school's Complaints Policy, by the Head Teacher or another senior member of staff.

Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

### **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every two years. The Welcome Committee of the Governing Body will undertake the policy review.

### **Contacts**

If you have any enquires in relation to this policy, please contact the Head Teacher who will also act as the contact point 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) or telephone 01625 545745 3

## Appendix 1 – Privacy Notice (Children)

We, Darell Primary and Nursery School, are a data controller for the purposes of the Data Protection Act 1998. We collect information from you and may receive information about you from your previous school(s) and the Learning Records Service (<http://www.learningrecordservice.org.uk/>). We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care; and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, and special educational needs and relevant medical information.

**We will not give information about you to anyone outside of school without your consent unless the law and our rules allow us to (such as where disclosure is required by law or it is in the vital interests of the individual).**

All schools share personal information with other organisations and usually with the same types of organisation. The main organisations that schools share personal data with are:

- local authorities;
- other schools and educational bodies; and
- social services.

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE).

If you want to see a copy of the information about you that we hold and / or share, please contact the School Business Manager.

If you require more information about how the Local Authority and / or the DfE store and use your information, then please go to the following websites:

[http://www.richmond.gov.uk/data\\_protection](http://www.richmond.gov.uk/data_protection)

<https://www.gov.uk/data-protection>

This document is given to all pupils joining the school at the point of admission.

## **Appendix 2**

### **Procedure for responding to subject access requests made 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 Education (Pupil Information) (England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school.

This Procedure relates principally to subject access requests made under the Data Protection Act 1998 but similar principles will apply to requests for educational records.

#### **Actioning a subject access request**

1. Requests for information about data held by the school on you / your child must be made in writing and be addressed to the Head Teacher. If the initial request does not clearly identify the information required, then further enquiries will be made by the School before progressing the request. Personal data should always be of direct relevance to the person requesting the information. We cannot provide personal information on other pupils or people at School. A document discussing more general concerns may not be defined as personal data.
2. The identity of the requestor must be established before the disclosure of any information, and checks may also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of, for example:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement
3. Any individual, including a child, has the right of access to information held about them. However with children, this is dependent upon their capacity to understand and the nature of the request. Children over 12 are normally assumed to have the capacity to understand and make their own request. If a child makes a request, the Head Teacher would discuss the request with the child and take their views into account when making a decision. A child with competency to understand can also 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 should make the decision on behalf of the child.

4. The school may make a charge for the provision of information of up to £10 (except in the case of a request to view educational records only, when different rules apply).
5. The response time for subject access requests (for non-educational records), once officially received (i.e. the request is complete, identity has been checked and any fee paid), is 40 calendar days. (For education records this is 15 school days.)
6. The Data Protection Act 1998 exempts some information from disclosure so you may not have access to all information.
7. Before disclosing third party information the School will normally need to obtain consent to do so. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. The School can only disclose information in its possession. If you want to know what information is held by another party, such as the Local Authority, please contact that party directly.
8. The School will not disclose information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another, information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at a face to face handover, upon request and subject to availability of a member of the Senior Leadership Team.

### **Complaints**

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

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

## Appendix 3

### Freedom of Information Publication Scheme

The publication scheme provides a guide to the information which we will publish. This is split into categories of information known as classes as detailed below:

Information	How it can be obtained
<b>Who we are and what we do</b>	
Who's who in the school	Website
Who's who on the Governing Body and the basis of their appointment	Website
Instrument of Government	Hard copy – on request from school office
Contact details for the Headteacher and for the Governing Body	Website
Staffing structure	Website
School session times and term dates	Website
<b>What we spend and how we spend it</b>	
Annual budget plan and financial statements	Hard copy – on request
Capitalised funding	Hard copy – on request
Additional funding	Hard copy – on request
Procurement and projects	Hard copy – on request
Governors' allowances	Hard copy – on request
<b>What our priorities are and how we are doing</b>	
School profile: Government supplied performance data and the latest Ofsted report	Website
Performance management policy and procedures adopted by the Governing Body	Hard copy – on request
School development plan	Hard copy – on request

<b>How we make decisions</b>	
Admissions policy / decisions (not individual admissions decisions)	Website
Agendas of meetings of the Governing Body and its committees	Hard copy – on request
Minutes of meetings of Governing Body and its committees – this will exclude information that is properly regarded as private to the meetings.	Website and in hard copy in reception area
<b>Our policies and procedures</b>	
School policies including: <ul style="list-style-type: none"> <li>• Charging policy</li> <li>• Health and Safety</li> <li>• Complaints procedure</li> <li>• Discipline and grievance policies</li> <li>• Inclusion policy</li> <li>• Safeguarding and Child Protection policy</li> <li>• Whistleblowing</li> </ul>	<ul style="list-style-type: none"> <li>• Website</li> <li>• Website</li> <li>• Website</li> <li>• Hard copy</li> <li>• Website</li> <li>• Website</li> <li>• Website</li> </ul>
Pupil and curriculum policies including: <ul style="list-style-type: none"> <li>• Home-school agreement</li> <li>• Behaviour</li> <li>• Sex education</li> <li>• Special educational needs</li> <li>• Accessibility plan</li> </ul>	<ul style="list-style-type: none"> <li>• Website</li> <li>• Website</li> <li>• Website</li> <li>• Website – Inclusion policy</li> <li>• Hard copy</li> </ul>
Records management and personal data policies, including: <ul style="list-style-type: none"> <li>• Data protection (including information sharing policies)</li> </ul>	<ul style="list-style-type: none"> <li>• Website</li> </ul>
Charging regimes and policies	<ul style="list-style-type: none"> <li>• Website</li> </ul> <p>There are currently no charges made for information routinely published.</p>