



Federation of St Mary's Priory Catholic Infant and Junior Schools
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'where great lives begin'

School Data Protection Policy - February 2017

Introduction and Scope

The Data Protection Act 1998 is the law that protects personal privacy. It applies to any school which processes or has access to people's personal data. The Act helps ensure that the management of data held electronically and/or in paper-based systems is processed correctly. Section 7 of the Act gives rights to the people about whom the data relates.

St Mary's Priory Catholic Infant and Junior Schools has a legal responsibility to comply with the Data Protection Act and the schools, as a corporate body, are named as the 'Data Controller' under the Act. Data controllers are people in organisations who hold and process personal data and have a duty to establish workplace practices and policies that are in line with the Act.

Personal data is any information which relates to a living individual who can be identified from that data either by itself or alongside any other information held (for example, name, address, date of birth, National Insurance number, bank account details etc). It also includes any expression of opinion about that individual and any indication of any intentions we have in respect of that individual and it also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

Personal data can also be 'sensitive' as defined by the Act. This is information about your racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health or condition, sexual life, criminal offences, proceedings and convictions. We can only collect and hold this information for specific purposes (for example, equal opportunities monitoring).

We are obligated to notify the Information Commissioner, who regulates The Data Protection Act, that information about individuals is being collected, processed and held. We are also obligated to follow the eight principles set out in the Act.

The principles state that all personal information, or data, about staff should be:

- i. Processed fairly and lawfully**
Either consent is required or there is an overriding necessity to process data. However, in any event, individuals should be made fully aware of why we are collecting their information, what we intend using it for, and who else we may be sharing it with.
- ii. Processed for limited purposes**
We will only process the information we've collected for the purposes recorded when it was collected.
- iii. Adequate, relevant and not excessive**
We will only collect and process the information we need as opposed to any additional information that may be useful in the future for another purpose.
- iv. Accurate and up to date**
We will regularly review the information we hold to ensure that personal data is kept up to date.
- v. Kept no longer than is necessary**
Depending on the overriding need of any legislation, statutory or legal requirement, data will not be kept longer than is required for the purposes of processing.
- vi. Processed in line with the individual's rights**
The Data Protection Act creates rights for those individuals who have their data processed and the responsibilities for our schools which process and record that data.
- vii. Secure**
We must ensure that appropriate measures have been taken to ensure that each individual's information is safe, secure and cannot be accessed by anyone that is not authorised to do so.
- viii. Not transferred to other countries that do not have suitable data protection controls.**
We will not send personal information outside of the European Economic Area unless the individual whom it is about has consented, or adequate protection is in place.

Information disclosure

Personal information cannot usually be released to anyone else without the individual's consent or knowledge. There are, however, certain circumstances when a third party (such as a government agency or law enforcement agency) can request information about an individual and we may be obliged to disclose it to them (for example, where the disclosure is required by law or by a court order).

If a staff member asks for information about a person other than themselves, their request will likely be refused unless the individual concerned has given their written consent allowing disclosure of their personal information to that person.

Requesting Personal Data

To request access to personal data that the schools may hold about you, a Subject Access Form can be completed and posted to us.

The person who the personal data is about is known as the data *subject* and the person who is making the request is known as the *applicant*. These can of course be the same person depending on the personal data sought. A common example of this relationship would be when a parent (*applicant*) is seeking personal information about their child (*data subject*).

Parents can generally request personal data about their child without their consent. However, it should be noted that the Data Protection Act requires a data controller to assess the maturity and competency of a data subject which is not restricted to age. Therefore, in some cases, consent of the child may still be required. There may also be occasions where someone is legally allowed to act on behalf of someone else (for example, power of attorney).

To protect an individual's personal data when processing a request, we will also require copies of two forms of identification. These should be:

- One piece of photographic identification such as a valid passport, valid driving licence or a valid EU national identity card.
- One piece of identification confirming the individual's address and dated within the last three months, such as a utility bill, council tax statement or bank statement.

If the individual does want to post an application, they may book an appointment with the School Business Manager who will accept their application and validate their identification. Whilst we may be able to confirm identification in person, if it is requested that personal data be posted, we will always require proof of address to ensure that any data that we release is sent securely and to the correct address.

Remember that if you are applying on someone else's behalf, you must also enclose either their signed, written consent or proof that you are legally entitled to act on their behalf.

There is also a processing fee.

Following receipt of your written request, identification and fee, you will receive a response within 40 days. However, if we do not have enough information required to perform a search we will contact you and ask for more details (The 40 day period of response will begin from the day we receive sufficient information to enable a search).

The unlawful obtaining or disclosure of personal data without consent of the Data Controller is an offence under Section 55 of the Data Protection Act 1998.

Disclosing information

The information that you can expect to receive from us, will usually be a copy in whatever format we hold it in.

Depending on what information has been requested we will explain any jargon or abbreviations, provide a summary sheet detailing what we have used the information for, and what information we have withheld and why (if applicable).

As per the Data Protection Act 1998, there are some instances where we may not be able to release some of the information we hold about you to you such as:

- a. personal information about other people (including family members) unless we receive their consent
- b. examination marks ahead of national release or examiners' comments
- c. information provided by another person, such as a health visitor or the police, unless we receive their permission to do so
- d. information contained in adoption and parental order records
- e. legal advice provided by a legal professional
- f. information that would prejudice the prevention/detection of crime

In some exceptional circumstances we may also withhold information about you if we think that it might cause you serious harm or severe distress.

Occasionally your records may contain elements that it would not be appropriate for you to see (for example, personal information about other individuals). Rather than withhold the whole record or document, we will reduce or remove those sections, if we can, to make them anonymous

If you find incorrect information held about you then, please write and tell us what is wrong and how you think it should be corrected. An assessment will be made and the information may be updated. Sometimes it may not be possible to amend historic information if it were key to decision making at the time.