

# Goddard Park

## Community Primary School

### An Integrated Academy and Children's Centre



*Headteacher: Mike Welsh*

*Everybody learns, everybody cares*

#### **Data Protection Policy**

Reviewed – January 2017

Before reading this Policy statement, please refer to Appendix 1 – “Definitions”

##### **1.0 Introduction**

- 1.1 The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.
- 1.2 The Headteacher and Governors of this School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1998. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.
- 1.3 Under the Data Protection Act 1998 ('the Act'), Goddard Park Community Primary School ('the School') is a data controller in their own right and has the responsibility to comply with the Act. This Policy applies to personal information held and processed by the School. The Headteacher has overall responsibility for Data Protection within the School but has delegated the day-to-day management of Data Protection to Designated Individuals within the School.
- 1.4 The School is required to process personal data regarding staff, students, their parents and guardians as part of their operation, and shall take all reasonable steps to do so in accordance with the Act. The School is committed to maintaining the highest standards of security and confidentiality when holding personal information and aims to have transparent systems for holding and processing written personal data. Any reference to personal data in the Policy includes sensitive data and “processing” may include obtaining, recording, holding, disclosing, destroying or otherwise using data.
- 1.5 Each year, current personal information is collected from staff and students using the Data Collection Sheets (see Appendix 2 & Appendix 3 respectively). The School records and systems are then updated, as appropriate.
- 1.6 The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the School's Business Manager (for staff) or Admin staff (for students) in writing of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

- 1.7 The School is registered with the Information Commissioner's Office on the Data Protection Register (reference number Z6705147). This registration is reviewed annually each May to ensure a comprehensive summary is maintained covering the purposes for processing data, the data subjects, the types of information being collected and who this information is shared with.
- 1.8 The School will take reasonable steps to ensure that members of staff will only have access to personal data relating to students, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this Policy and their duties under the Act. The School will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.
- 1.9 Any individual is entitled to request access to information relating to their personal data held by the School. The personal data held can be about
- Students and ex-students
  - Staff and ex-staff
  - Parents
  - Governors
  - Suppliers (if sole traders)

## **2.0 The Data Protection Act 1998**

- 2.1 The Act applies to personal information processed and held either electronically (including CCTV) or manually.
- 2.2 The School holds personal data about individuals, and it is a requirement under the Act that this personal data must only be used for specific purposes allowed by law. The personal data may include contact details, assessment / examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.
- 2.3 The student data is used in order to support the education of the students, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the School as a whole is doing, together with any other uses normally associated with this provision in an independent school environment.
- 2.4 Any wish to limit or object to any use of personal data should be notified to the School in writing. The School will provide a written acknowledgement of each such request.
- 2.5 In order to comply with the Act the School must comply with the eight Data Protection Principles which state that personal data must be:
- (a) Processed fairly and lawfully;
  - (b) Obtained only for one or more specified and lawful purposes;
  - (c) Adequate, relevant and not excessive;
  - (d) Accurate;
  - (e) Kept no longer than is necessary;
  - (f) Processed in accordance with the individual's rights under the Act;
  - (g) Kept secure;
  - (h) Not transferred to countries outside the European Economic Area unless there is adequate protection to the individual in relation to processing.

- 2.6 The School will ensure that the data subject is aware of the processing of their information by including a “fair processing statement” on all forms and documents that collect personal data. The statement will include:
- (a) Why the information is being collected;
  - (b) What it will be used for;
  - (c) Who it will be shared with.
- 2.7 The School works with other schools, departments of the Local Authority, and other government, voluntary and private organisations to provide services. This means that the School may sometimes need to pass on personal information to other areas of the Local Authority and other organisations.
- 2.8 The rights in relation to personal data set out under the Act are those of the individual to whom the data relates. The School will, in most cases, rely on parental or guardian consent to process data relating to students unless, given the nature of the processing in question, and the student’s age and understanding, it is unreasonable in all the circumstances to rely on the parent or guardian’s consent. Parents should be aware that in such situations they may not be consulted.

### **3.0 Exemptions that Allow Disclosure of Personal Data to Third Parties**

- 3.1 There are a number of exemptions in the Act that allow disclosure of personal data to third parties, and the processing of personal data by the School and its employees, which would otherwise be prohibited under the Act. The majority of these exemptions only allow disclosure and processing of personal data where specific conditions are met, namely:
- (a) The data subjects have given their consent;
  - (b) For the prevention or detection of crime;
  - (c) For the assessment of any tax or duty;
  - (d) Where it is necessary to exercise a right or obligation conferred or imposed by law upon the Local Authority or the School (other than an obligation imposed by contract);
  - (e) For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
  - (f) For the purpose of obtaining legal advice;
  - (g) For research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress).
- 3.2 Students, parents and guardians should be aware that where photographs or other image recordings are taken by family members or friends for personal use the Act will not apply e.g. where a parent takes a photograph of their child and some friends taking part in the School sports day or dramatic performance.

### **4.0 Use of Student’s Personal Information by the School**

- 4.1 The School may make use of limited personal data (such as contact details) relating to students, their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School.

- 4.2 In particular, the School may:
- (a) Transfer information to any association society or club set up for the purpose of maintaining contact with students or for fundraising, marketing or promotional purposes relating to the School;
  - (b) Make use of photographs of students in School publications and on the School website (with permission from parents);
  - (c) Disclose photographs and names of students to the media (or allow the media to take photographs of students) for promotional and congratulatory purposes where a student may be identified by name when the photograph is published e.g. where a student has won an award or has otherwise excelled (with permission from Parents);
  - (d) Make personal data, including sensitive personal data, available to staff for planning curricular or extra curricular activities;
- 4.3 Photographs with names identifying students will not be published on the School website without the express permission of their parents.

## **5.0 Disclosure of Personal Data to Third Parties**

- 5.1 The School may receive requests from third parties (i.e. those other than the data subject, the School, and employees of the School) to disclose personal data it holds about students, their parents or guardians. This information will not generally be disclosed unless one of the specific exemptions under the Act that allow disclosure applies (see paragraph 3.1); or where necessary for the legitimate interests of the individual concerned or the School.
- 5.2 The following are the most usual reasons that the School may have for passing personal data to third parties:
- (a) To give a confidential reference relating to a student or staff member;
  - (b) To give information relating to outstanding fees or payment history to any educational institution which it is proposed that a student may attend;
  - (c) To publish the results of public examinations or other achievements of students of the School;
  - (d) To disclose details of a student's medical condition where it is in the student's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips;
  - (e) To provide information to another educational establishment to which a student is transferring;
  - (f) To provide information to the Examination Authority as part of the examinations process;
  - (g) To provide the relevant Government Department concerned with national education. At the time of the writing of this Policy, the government Department concerned with national education is the Department for Children, Schools & Families (DCSF). The Examination Authority may also pass information to the DCSF.
- 5.3 The DCSF uses information about students for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual students cannot be identified from them. On occasion the DCSF may share the personal data with other Government departments or agencies strictly for statistical or research purposes.

- 5.4 Any wish to limit or object to any use of personal data by third parties, except as stated in paragraph 5.3 above, should be notified to the School in writing, or to the relevant authority (the contact details for which can be supplied by the School).
- 5.5 Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

## **6.0 Requests for Access by Data Subjects to their Personal Information**

- 6.1 Under the Act, individuals have a right of access to their personal data held by the School. This is known as a "Subject Access Request". Appendix 4 contains a copy of the Subject Access Request Form, although any request in writing will be accepted as long as the £10 administration fee is paid (or waived at the School's discretion), satisfactory identification is given and the information request is clear.
- 6.2 All Subject Access Requests will be passed to the relevant Designated Individual for processing and all requests for access to records will be placed on the relevant individual's file.
- 6.3 Where the request for information is not complete or clear, the fee has not been paid (if required), or satisfactory identification has not been given, further clarification must be sought from the individual concerned within two working days of the original request being received by the School. This could entail sending a Subject Access Request Form for completion and return.

## **7.0 Responding to Requests for Access to Records**

- 7.1 The Headteacher or, in his/her absence, the Designated Individual must authorise the applicant's request for access before any information is disclosed. (The School may wish to get advice from the Local Authority Data Protection Officer in relation to disclosure).
- 7.2 A written response acknowledging the application form must be sent to the applicant within 5 working days of the request.
- 7.3 If the applicant's request for access is granted, the Act requires such access to be given within 40 calendar days of the written request being received. The 40 day period does not begin until:
- (a) A written application is received by the School;
  - (b) The School has received sufficient information to enable it to identify the individual who is seeking access;
  - (c) The School has received sufficient information to enable it to access the information requested;
  - (d) Where applicable, the fee of £10 has been received, unless otherwise waived at the School's discretion.
- 7.4 The School must provide, in an intelligible form, a copy of the information held and, where possible, details of the source of the information.

7.5 Data subjects are not entitled to information where exemptions to the right of access apply (see Section 10). Moreover, in these circumstances, the School must only give a notification to the data subject that no information has been identified, which is required to be supplied under the Act.

## **8.0 Disclosure of Information**

8.1 Any individual is entitled to have access to all information specifically held about him or her where:

- (a) It is automated data being personal data held or processed electronically, for example, on a computer, word processor, audio and video system or telephone logging system;
- (b) It is manual data, which consists of non-automated information such as paper or microfiche files or records, which record information as part of a relevant filing system. A relevant filing system is defined as a set of information relating to individuals and structured either by reference to individuals or specific criteria relating to those individuals, so that specific information relating to a particular individual is readily accessible in a way broadly equivalent to information accessed within a computerised system.

8.2 The personal data must be provided in permanent form (e.g. paper, microfiche, CCTV images) unless:

- (a) The supply of such a copy is not possible;
- (b) Supplying it in permanent form would involve disproportionate effort (in which case another way of viewing the data must be agreed with the applicant);
- (c) The data subject agrees otherwise.

8.3 Only relevant documents from the individual's file will be duplicated and disclosed to the applicant who, if requested, should be given a copy of the duplicated document.

8.4 An individual is not entitled to information where:

- (a) exemptions to the right of access apply (see Section 9);
- (b) another person, including any family member, has not given their written consent to disclose information that identifies them (but see paragraph 8.6 below).

8.5 The individual's record is likely to contain information about persons other than the individual themselves. Generally, information about or identifying another person must not be disclosed to the individual seeking access to the information without that person's written consent.

8.6 There may be circumstances where the School considers it reasonable in all the circumstances to disclose information without the consent of the other person. For example, when the person cannot be traced.

8.7 In determining what is reasonable in all the circumstances it is necessary to have regard to:

- (a) Any duty of confidentiality owed to the other person;
- (b) Any steps taken with a view to seeking consent of the other person to the disclosure;

- (c) Whether the other person is capable of giving consent;
- (d) Any express refusal of consent by the other person.

- 8.8 In instances where the School has decided information concerning other people or their identities may not be disclosed, it is acceptable to blank out the relevant information.
- 8.9 There is also a general presumption in favour of disclosing personal data relating to employees, where this information is integral to the personal data of the applicant. So, the records kept by teachers in the course of their employment in respect of students may be disclosable.
- 8.10 Any request by an individual for access to information held about them must be complied with subject to this paragraph and to the exemptions set out in Section 9 below. The School may, however, make a request for more specific details of the information sought.
- 8.11 A request for access to files without the permission of the individual must be directed to the Data Protection Officer at the Local Authority (Swindon Borough Council).
- 8.12 A record of the information disclosed in response to a request for access to information should be kept on the individual's file, including details of any exemptions to disclosure relied upon (see Section 10 below).

## **9.0 Exemptions to Access by Data Subjects**

- 9.1 Confidential references given, or to be given by the School, are exempt from access. The School will therefore treat as exempt any reference given by them for the purpose of the education, training or employment, or prospective education, training or employment of any individual.
- 9.2 It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.
- 9.3 Examination scripts, i.e. information recorded by students during an examination, are exempt from disclosure. However, any comments recorded by the examiner in the margins of the script are not exempt even though they may not seem of much value without the script itself.
- 9.4 Examination marks do not fall within an exemption as such. However, the 40 day compliance period for responding to a request is extended in relation to examination marks to either five months from the day on which the School received the request (if all the necessary conditions set out in paragraph 7.3 are fulfilled), or 40 days from the announcement of the examination results, whichever is the earlier.

## **10.0 Repeated Requests for Access to Records**

- 10.1 Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, the Act allows for access to be refused when the applicant has

made repeated requests for information already provided, based upon the type of information being requested.

## **11.0 Complaints**

- 11.1 If the individual is not satisfied with the way their request for information has been handled or the results they have been given, they may make representations to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel (01626) 545 700. The Information Commissioner is responsible for ensuring compliance with the Data Protection Act.



## APPENDIX 1

### Definitions

- 1) **Data Subject** is defined as a “living” individual who is the subject of Personal Data.
- 2) **Personal Data** is defined in the Act as information identifying a living individual (“data subject”). The School may process a wide range of personal data of pupils, their parents or guardians, as part of their operation. To qualify as personal data, the data must be biographical in a significant sense, having the data subject as its focus and affecting the data subject’s privacy. Personal data includes facts, any expression of opinion about an individual and any indication of the intentions of anyone in respect of that individual. Examples of personal data are: names and addresses; bank details; academic, disciplinary, admissions and attendance records; references; and examination scripts and marks.
- 3) **Educational Record** is defined as information that comes from a teacher, other employee of the Local Authority or School, the pupil or their parents.
- 4) **Sensitive Personal Data** is defined in the Act as information in respect of racial or ethnic origin, political opinions, religious beliefs or "other beliefs of a similar nature", membership of a trade union, physical or mental health, sexual life, criminal convictions and alleged offences.
- 5) **Data Controller** is defined as a person or organisation that, individually or as a group, determines the purpose of holding data, and the manner of data processing.
- 6) **Data Processor** is defined as a person who processes data on behalf of the data controller, other than an employee of the data controller and the processing must be carried out under a contract that is made or evidenced in writing. The contract must contain obligations on the data processor to act in accordance with the instructions of the data controller.
- 7) **Processing** includes obtaining, holding, recording, adding, deleting, augmenting, disclosing, destroying, printing or otherwise using data.
- 8) **Designated Individuals** includes the following:
  - School Business Manager deals with staffing matters
  - Senior Admin Officer deals with general student matters
  - Headteacher/Child Protection Coordinator deals with Child Protection matters

**APPENDIX 2****STAFF DATA COLLECTION SHEET**

Please check that the information below is correct. If anything is incorrect please inform the school office. Please return this form once checked.

**BASIC DETAILS**

<b>Title:</b>		<b>Forename</b>		<b>Surname:</b>	
<b>Middle name:</b>				<b>Legal Surname:</b>	
<b>Chosen name:</b>				<b>Gender:</b>	

**PERSONAL INFORMATION**

<b>Date of Birth:</b>		<b>Qualifications/Letters:</b>	
<b>Ethnicity:</b>		<b>NI Number:</b>	

**ADDRESS & CONTACT INFORMATION**

<b>Address:</b>			
<b>Home Tel:</b>		<b>Mobile Tel:</b>	
<b>Home Email:</b>		<b>Work Email:</b>	

**VEHICLE DETAILS**

<b>Type:</b>	<b>Colour:</b>	<b>Reg:</b>

**NEXT OF KIN INFORMATION**

<b>Name:</b>			
<b>Mobile Tel:</b>		<b>Work Tel:</b>	<b>Home Tel:</b>
<b>Address:</b>			
<b>Home Email:</b>		<b>Work Email:</b>	

<b>Signature:</b>		<b>Date:</b>	
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## APPENDIX 3

## Pupil Data Collection Sheet

Please check that the information below is correct.

Complete any missing details, and return to the school office.

<b>Surname:</b>	<b>Legal Surname:</b>
<b>Forename:</b>	<b>Middle name:</b>
<b>Chosen name:</b>	<b>Gender:</b>
<b>Date of Birth:</b>	<b>Year:</b>
<b>Address:</b>	<b>Reg Group:</b>
<b>Post Code:</b>	
<b>Telephone:</b>	
<b>Email:</b>	

Please give details of all persons who have parental responsibility and anyone else you wish to be contacted in an emergency. Place them in the order that you wish for them to be contacted in an emergency.

Priority	Name/Relationship	Home Address/Phone/Mobile/Fax	Work Address Phone/Email
1		<b>Tel:</b> <b>Mobile:</b>	<b>Tel:</b> <b>Email:</b>
2		<b>Tel:</b> <b>Mobile:</b>	<b>Tel:</b> <b>Email:</b>
3		<b>Tel:</b> <b>Mobile:</b>	<b>Tel:</b> <b>Email:</b>

**Travel Arrangements**

If the above information is incorrect, please tick the appropriate choice

Bicycle     Train     Car/Van     Walk     Taxi     School Bus     Car Share  
 London Underground     Public Bus Service     Metro/Train/Light Rail     Other

**Route**

**Dietary Needs**

**Meal Arrangement**

If the above information is incorrect, please tick the appropriate choice

Free School Meal     Paid School Meal     Sandwiches     Home     Other

**Medical Practice:**

**Address:**

**Telephone Number:**

**Medical Condition(s):**

**Medical Note(s):**

**Ethnicity :**

**Home Language:**

**Religion:**

**Data Protection Act 1998:** The school is registered under the Data Protection Act for holding personal data. The school has a duty to protect this information and to keep it up to date. The school is required to share some of the data with the Local Authority and with the DfES.

**Signature:**

**Date:**

**APPENDIX 4**

**1998 Data Protection Act – Subject Access Request Form**

1. Are you making this request for information on your own behalf?  
Yes  Please go to part 4      No  Please complete parts 2 and 3
  
2. If you are making this request for information on behalf of someone else, please state the nature of your relationship with that person.  
Parent       Guardian       Legal representative   
Other  (*Please specify*)
  
3. If you are making this request for information on behalf of someone else, please provide the following information about yourself:

**Name:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

**Contact phone no. (daytime):** \_\_\_\_\_

**Contact phone no. (evening):** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

*If you would prefer all correspondence via email please indicate here.*

*If the applicant is not the data subject (the person we hold information on), we will always correspond with the applicant unless otherwise specified.*

4. Please complete the following section, providing information about the Data subject (the individual whose information is being requested)

**Name (Include any previous names):**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

**Contact phone no. (daytime):** \_\_\_\_\_

**Contact phone no. (evening):** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

*If you would prefer all correspondence via email please indicate here.*

**Date of birth (if under 18):** \_\_\_\_\_

5. Please provide details of information you think we hold in the data subject's name. To qualify as personal data, the data must be biographical in a significant sense, having the data subject as its focus and affecting the data subject's privacy. In addition, information held in manual/paper files will only be personal data if the file is highly structured.

***Reference numbers and departments where known***

***Further details or description of information required***

6. Under the 1998 Data Protection Act we are entitled to charge a small administration fee of £10 for processing your application. Please enclose your cheque, made payable to Goddard Park Primary School, unless you have been advised that the fee is not required.

We also require copies of two documents for each person to prove his or her identity, one of which should include a photograph of the person. The documents could include a passport, driving licence or any other official document, including a utility bill but showing only the name and address of the person and the name of the company, not any billing details.

If you are applying on someone else's behalf please enclose certified proof of identity for both the data subject and yourself. Where you are acting as a legal representative or guardian of the data subject certified proof of this must also be given. If you prefer, you may provide proof with an original document by attending the School in person and bringing these documents with you.

***Failure to provide these documents with your application may mean your request is refused.***

After completing the application, please check to ensure that all the information you have provided is accurate and all required documents are enclosed. Sign below and return the application to:

***The Headteacher, Goddard Park Community Primary School, Welcombe Avenue,  
Swindon, SN3 2QN***

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Goddard Park Community Primary School is committed to the principles defined in the 1998 Data Protection Act. As such, information on this document will be used only for the purposes described above. We may, however, store the data in manual or electronic form, but only for as long as we are required to do so by law.

### **Enquiries**

Information about the school's Data Protection Policy is available from the Headteacher. General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 01625 545 745, website [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)).