



# **PIONEER ACADEMIES COMMUNITY TRUST**

## **Policies and Procedures**

# **DATA PROTECTION POLICY**

<b>Review/Approve</b>	<b>By Whom</b>	<b>Date</b>	<b>Review Date</b>
Approved	PACT	22.11.16	Autumn 2018

# Pioneer Academies Community Trust

## Data Protection Policy

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This document is a statement of the aims and principles of Pioneer Academies Community Trust(hereafter referred to as the MAT), for ensuring the appropriate handling of personal and sensitive information relating to staff, pupils, parents and governors. This information is collected in order to enable the MAT 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.

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

This policy takes due note of the information and guidance published by the Information Commissioners Office  
([http://www.ico.gov.uk/for\\_organisations/sector\\_guides/education.aspx](http://www.ico.gov.uk/for_organisations/sector_guides/education.aspx))

It is the responsibility of the MAT to ensure registration with the ICO is undertaken.

### **1. Introduction**

**1.1** All academies in the MAT need to keep certain information about our employees, pupils and other users to allow us, for example, to monitor performance, achievement, and health and safety.

**1.2** To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, the Trust and its

school must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 ( the 1998 Act).

**1.3** In summary these principles state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

**1.4** All staff who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the academy has developed this Data Protection Policy. This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the academy from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

**1.5** The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- 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 so 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

## **2. The Data Controller**

2.1 The Academy Trust as the corporate body is the Data Controller under the 1998 Act, and the Directors are therefore ultimately responsible for implementation. Pioneer Academies Community Trust (PACT) is the registered Data Controller for the Trust.

2.2 Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller.

### 3. **Responsibilities of Staff**

3.1 All staff are responsible for:

- i. Checking that any information that they provide to the academy in connection with their employment is accurate and up to date.
- ii. Informing the academy of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The academy cannot be held responsible for any errors unless the staff member has informed the academy of such changes.
- iii. Handling all personal data (eg – pupil attainment data) with reference to this policy, the academy's confidentiality policy and the guidelines in the staff handbook.

### 4. **Data Security**

4.1 All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.

4.2 Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

4.3 Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on a usb memory key or other removable storage media, that media must itself be encrypted/password protected and/or kept in a locked filing cabinet, drawer, or safe.

### 5. **Rights to Access Information**

5.1 All staff, parents and other users are entitled to:

- Know what information the academy holds and processes about them or their child and why.
- Know how to gain access to it

- Know how to keep it up to date
- Know what the academy is doing to comply with its obligations under the 1998 Act

5.2 The academy will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the academy holds and processes about them, and the reasons for which they are processed.

5.3 All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should make a request in writing and submit it to the Designated Data Controller.

5.4 The academy may make a charge on each occasion that access is requested, although the academy has discretion to waive this.

5.5 The academy aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

## 6. **Retention of Data**

6.1 The academy has a duty to retain some staff and pupil personal data for a period of time following their departure from the academy, mainly for legal reasons, but also for other purposes such as being able to provide references.

Different categories of data will be retained for different periods of time.

## 7. **Monitoring and Evaluation**

7.1 This policy will be reviewed annually, or if there are changes to relevant legislation

## **Appendix 1**

### ***(Insert name of Academy)***

Procedures 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.

- I. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
- II. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

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

1. Requests for information must be made in writing; which includes email, and be addressed to the Principal of the Academy. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of a information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Principal should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can 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 shall make the decision on behalf of the child.
4. The school may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.

- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.
- 5. The response time for subject access requests, once officially received, is 40 days **(not working or school days but calendar days, irrespective of school holiday periods)**. However the 40 days will not commence until after receipt of fees or clarification of information sought.
- 6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
- 7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.
- 8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- 9. If there are concerns over the disclosure of information then additional advice should be sought.
- 10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
- 11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
- 12. Information can be provided at the academy with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chairperson of the 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 Headteacher at the Academy.