

DATA PROTECTION AND FREEDOM OF INFORMATION POLICY

Reviewed by PWG: February 2018
Previously Amended: June 2016

Related Policies and Documents

CCTV Policy

Behaviour for Learning Policy

Educational Visits Procedure

1. General Statement

Liskeard School and Community College fully endorse and adhere to the principles of data protection as outlined in the Data Protection Acts 1994 and 1998. All staff involved in the collection, processing and disclosure of personal data are *made* aware of their duties and responsibilities within these guidelines. All reasonable steps will be taken to ensure that data is protected and kept secure.

2. Enquiries

Information about Liskeard School and Community College Data Protection policy can be obtained from the school Data Officer or from the school's website.

3. Fair Obtaining and Processing

3.1. Liskeard School and Community College undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which data is held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting the data will explain the issues before collection of the information.

3.2. Schools, local education authorities and the Department for Education (DfE) all hold information on students in order to run the education system, and in doing so have to follow the Data Protection Act 1998. This means, among other things, that the data held about students must only be used for specific purposes allowed by law. The school has a Fair Processing or Privacy Notice which explains how personal data is used and with whom it will be shared. This Notice is published on the school website and available from the school Main Reception

We use pupil data:

- To support pupil learning
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing.

3.3. We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so. We routinely share pupil information with:

- Schools that the pupils attend after leaving us
- The local authority
- The Department for Education (DfE)

3.4 The **Local Authority** uses information about students to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the student may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual students cannot be identified from them.

4 Registered Purposes

The Data Protection Act Registration entries for Liskeard School and Community College are available for inspection by appointment at the Exams Office. Explanation of any codes and categories is available from the Data Officer who is the person nominated to deal with data protection issues. Registered purposes covering the data held at the school are listed on the school's registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

5 Data Integrity

Liskeard School and Community College undertakes to ensure that data integrity is achieved by the following methods:

5.4 Data Accuracy

Data will be as accurate and up-to-date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to any data subjects every twelve months so they can check its accuracy and make any amendments. Where a subject challenges the accuracy of their data, Liskeard School and Community College will immediately mark the record as potentially inaccurate. In cases of dispute, we will attempt to resolve the issue informally, but if this proves impossible, disputes will be referred to the school's governing body for their judgement. If the dispute cannot be resolved at this stage, either side may see independent arbitration. Until resolved, the information will be marked and both versions will be saved.

5.5 Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is held. In order to ensure compliance with this principle, Liskeard School and Community College will check records regularly for missing, irrelevant or seemingly excessive information and may contact the subjects to verify certain items of data. Records are checked for irrelevant data yearly and the decisions about what can be deleted is made by the Data Officer

5.6 Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Data Officer to ensure that obsolete data are properly erased.

6 Subject Access

6.4 The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. To make a request for your personal data contact the school's Data Officer.

6.5 Requests from pupils will be processed as any data subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request, or that the pupil has given consent to deal direct with the parent/carer.

- 6.6** Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- 6.7** Requests from parents in respect of their own child will be processed as long as the child has given their consent or is not competent to provide consent, and the copy will be sent in a sealed envelope to the requesting parent/carer.

7 Processing Data Subject Access Requests (Freedom of Information)

- 7.1** Requests for data access must be made in writing and should be submitted to The Data Officer. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access Log Book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Student Record, Personnel Record, Financial Record), and the planned date of supplying the information (15 days from the request date to allow sufficient time for redaction purposes.)
- 7.2** Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be the date on which sufficient information has been provided.
- 7.3** If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

8 Authorised Disclosures

- 8.3** Liskeard School and Community College will, in general, only disclose data about individuals with their consent. However there are circumstances under which Liskeard School and Community College's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- 8.3.1** Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- 8.3.2** Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- 8.3.3** Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within the vicinity of the school.
- 8.3.4** Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
- 8.3.5** Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school.
- 8.4** Only authorised staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who

need to know the information in order to do their work. We will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

9 Data and Computer Security

Liskeard School and Community College undertakes to ensure security of personal data by the following general methods (precise details cannot be revealed):

9.1 Physical Security

Appropriate building security measures are in place, such as alarms, CCTV and window bars. Only authorised persons are allowed in the server room and the data office. Disks, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

9.2 Logical Security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly.

9.3 Procedural Security

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded or *securely incinerated* before disposal.

- 10 Overall security policy for data is determined by the Headteacher and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.
- 11 Any queries or concerns about security of data in the school should in the first instance be referred to the Headteacher.
- 12 Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as a disciplinary matter, and serious breaches could lead to dismissal.

Terms

<i>processing</i>	Obtaining, recording or holding the information or data or carrying out a set of operations on the information or data.
<i>data subject</i>	means an individual who is the subject of personal data or the person to whom the data relates.
<i>personal data</i>	means data which relates to a living individual who can be identified. Addresses and telephone numbers are examples.
<i>parent</i>	refers to the meaning given in the Education Act 1996, and includes any person who has parental responsibility for a child.
<i>legal disclosure</i>	is the release of personal information from the computer to someone who requires the information to do his or her job within or for the organisation, provided that the purpose of that information has been registered.
<i>illegal disclosure</i>	is the release of information to someone who does not need it, or has no right to it, or one which falls outside the organisation's registered purposes.