

# Gumley House School FCJ

## Data Protection Policy

Approved by:	Full Governing Body
Date approved:	June 2018
Date of next review:	June 2019
Designated Governor for Internal Moderation	F&P committee
Designated Teacher for Internal Moderation	DCR/CBR

Gumley House School collects and uses personal information about staff, students, parents and other individuals who come into 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 some legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to Fair Processing Notice to all students/parents; this summarises the information held on students, why it is held and the other parties to whom it may be passed on.

### Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recoded, 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.

### What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

### Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than this is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;

7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

## **General statement**

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 whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that the information is not retained for longer than necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately
- 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

## **Complaints**

Complaints will be dealt with in accordance with the School's Complaints Policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

## **Review**

The policy will be reviewed as it is deemed appropriate, but no less frequent than every 2 years. The policy review will be undertaken by the Head teacher or the School Business Leader

## **Contacts - Data Protection Officer**

The Data Protection Officer is responsible for overseeing data protection within the School so if you do have any questions in this regard, please do contact them on the information below: -

Data Protection Officer: Craig Stilwell

Company: Judicium Consulting Ltd

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Telephone: 0203 326 9174

If you have any queries or concerns regarding these policies / procedures, then please contact the school's School Business Leader.

Further advice and information can be obtained from the Information Commissioner's office <https://ico.org.uk>

## Appendix 1

### Gumley House School FCJ

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 students.

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 right of those entitled to access curricular and educational records as defined with 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. Request for information must be made in writing; which includes email, and be addressed to The Head teacher. 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 any information, and checks should be carried out regarding proof of relationship to the student. 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 to access of information held about them. However, with children, this is dependent upon their capacity to understand (normally aged 12 and over) and the nature of the request. The Head teacher/David Carling should discuss the request with the student and take their views into account when making a decision. A student with competency to understand can refuse consent to the request for their records. Where the student is not deemed to be competent as an individual with parental responsibility or guardian shall make the decision on behalf of the student.
4. The school may charge for the provisions of information, dependent upon the following:
  - Should the information requested contain the educational record 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 the receipt of fees or clarification of information sought.

6. The Data Protection Act 1998 allows exemptions as to the provisions 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 40day 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 information that the student is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information the 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 with the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school 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 been used, then registered/recorded mail must be used.

## **Complaints**

Complaints about the above procedure should be made to the Chairperson of the Board of Governors who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaints 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.

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