



Together we can make a difference

Data Protection Policy

Name of school: Bexton Primary School

Date of review: Autumn 2016

New review date: Autumn 2019

Policy Statement

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Bexton Primary School is committed to ensuring that the personal and sensitive personal information (data) it holds about individuals is accurate, up to date, used only for the purpose intended and securely protected from inappropriate access. The school is further committed to ensuring that individuals can find out about their personal data, be given access to it and the right to challenge its accuracy. In terms of non-personal information, the school is further committed to promoting public access to the information it holds.

Bexton Primary School supports the objectives of the Data Protection Act 1998. This policy is intended to maintain the confidentiality of personal data held or processed either on computer or in manual files and to increase the access given to individuals to information relating to them.

1.1. External Registration/Notification

Bexton Primary School has an external notification with the Information Commissioner, registration number Z7474830.

1.2. Amount of data to be held

Bexton Primary School will hold the minimum personal data necessary to enable it to perform its functions and retained in accordance with Cheshire East's retention guidelines. Every effort will be made to ensure that data is accurate and up-to-date, and that inaccuracies are corrected quickly.

1.3. Subject Access

Upon written request, Bexton Primary School will provide to any individual a reply stating whether or not Bexton Primary School holds personal data about that individual. A copy, in permanent form, of the current data held, will be given. A fee of £10 will be charged for this service. Bexton Primary School will respond to this request as soon as possible and always within 40 calendar days.

1.4. Disclosures

Disclosures of information must be, and will be, in accordance with the provisions of the Act and Bexton Primary School's notification. Bexton Primary School has a duty to disclose certain data to public authorities such as HM Revenue and Customs and the Benefits Agency. This will be done strictly in accordance with the statutory and other requirements.

Where disclosures of personal data are made to distribution lists, these lists must be approved by a relevant Senior Manager or Head of Service. Recipients must be deemed appropriate to receive such information and lists must be reviewed and updated regularly.

Disclosures of personal data will only be made in accordance with the restrictions afforded by the Data Protection Act 1998 and will be communicated by secure means using only approved methods of transfer, for example one of the secure email solutions available.

1.5. System Design

The School will ensure that personal data is treated as confidential. Computer systems will be designed and used to comply with the principles of the Data Protection Act so as to ensure that access to personal data is restricted to identifiable system users.

1.6. Training

It is the aim of the School that all staff will be properly trained, fully informed of their obligations under the Data Protection Act and aware of their personal liabilities.

1.7. Disciplinary Action

The School expects all of its staff and members to comply fully with this Policy and the principles of the Data Protection legislation. Disciplinary action may be taken against any employee or member who breaches any of the instructions or procedures following from this policy.

Purpose

This document sets out Bexton Primary School's policy regarding data protection. The Data Protection Act 1998 is the basis of this document. The Freedom of Information Act 2000 affects the Council's use of non-personal information and the operation of this policy. The Human Rights Act 1998 affects the protection and individual rights given under the Data Protection legislation.

The purpose of the data protection legislation is to regulate the way that personal information about living individuals, whether held on computer or in a manual filing system, is obtained, stored, used and disclosed. The legislation grants rights to individuals to see the data stored about them and to require modification of the data if it is wrong. In certain cases, individuals may claim compensation if they have suffered substantial damage as a result of Bexton Primary School processing inaccurate data. The provisions amount to a right of privacy for the individual.

The 1998 Act requires all processing of personal data to be notified to the Information Commissioner and to be kept and used in accordance with the provisions of the Act.

Scope

This Data Protection Policy applies to all the systems, people and business processes that make up the Council's information systems. This includes all staff, parents, pupils, third party agencies and governors who have access to Information Systems or information used for school purposes.

Definition

This policy should be applied whenever a user accesses Bexton Primary School information systems or data in any form.

To aid the understanding of this document and provisions of the Data Protection Act the following definitions are provided:

Data is information that:

- a) Is being processed by means of equipment operating automatically in response to instructions given for that purpose e.g. payroll system, online card transactions
- b) Is recorded with the intention that it should be processed by means of such equipment e.g. on disk or CD ROM
- c) Is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system e.g. any departmental filing system with an index
- d) Does not fall within paragraphs (a), (b) or (c) but forms part of an accessible record, e.g. health, education, public records
- e) Is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d)

Data Controller means the School as the organisation who determines how data is processed.

Data subject is the individual about whom personal data is held.

Personal Data means data about a living individual who can be identified from that information (or from that and other information in the possession of the data controller). This includes an expression of opinion about the individual, but not any indication of the intentions of the data controller or any other in respect of that individual.

Sensitive Personal Data means personal data consisting of information as to:

- Racial or ethnic origin of the data subject
- His/her political opinion
- His or her religious beliefs or other beliefs of a similar nature
- Whether he or she is a member of a trade union
- His or her physical or mental health or condition
- The commission or alleged commission by him or her of an offence
- Any proceedings for any offence committed or alleged to have been committed by him or her, the disposal of such proceedings or the sentence of any court in such proceedings

Processing is very widely drawn and means anything from obtaining, holding and using the information to disclosure or destruction of the information.

Special Purposes means any one or more of the following i.e. journalistic, artistic or literary.

Relevant Filing System is any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.

Risks

Non-compliance could have a significant effect on the efficient operation of the school and may result in financial loss and an inability to provide necessary services. A financial penalty of up to £500,000 could be imposed by the Information Commissioner for a serious breach of the Data Protection Act 1998. Additionally, data loss could have an impact on stakeholders, whether as a group or individually, or cause reputational damage to the school.

Principles

The Data Protection Act 1998 contains 8 governing Principles relating to the collection, use, processing and disclosure of data, and the rights of data subjects to have access to personal data concerning them. These Principles are:

- 1 Personal data shall be processed fairly and lawfully and, in particular shall not be processed unless at least one of the conditions in Schedule 2 is met. These can be summarised as consent, contract, legal obligation, vital interests, public interest, balance of interest. In the case of sensitive personal data at least one of the conditions in Schedule 3 must also be met which can be summarised as explicit consent, employment law, vital interests, non-profit associations, manifestly made public, legal claims, justice/statute Crown, medical purposes, ethnic monitoring.
- 2 Personal data shall be obtained only for one or more specified and lawful purpose and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 4 Personal data shall be accurate and, where necessary, kept up to date.
- 5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes.
- 6 Personal data shall be processed in accordance with the rights of the data subject under this act (this includes the rights of subjects to access the data and to correct it).
- 7 Appropriate technical and organisational measures shall be put in place to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data (this relates to data 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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

These principles are regarded as the minimum standards of practice for any organisation with respect to personal data.

Responsibilities

1.8. Governing Body

Overall responsibility for the efficient administration of the Data Protection legislation lies with the Governing Body.

1.9. Data Protection Officer

It is the responsibility of the Data Protection Officer to ensure compliance with this policy, to specify the procedures to be adopted and to co-ordinate the activities of staff.

The main duties of the Data Protection Officer are:

- Provide advice and guidance to stakeholders with regard to application of the Data Protection legislation
- Maintenance of the School's external notification under the Act, and act as an interface with the Information Commissioner
- Development, updating and publication of data protection procedures for the school
- Initial contact point for subject access requests
- The provision of education and training regarding data protection issues
- Developing, maintaining and advising on compliance with the ICT Security Policies for staff and pupils

1.10. Staff

In addition to the formal responsibilities outlined above, all staff have a duty to observe the Principles of the Act and the procedures referred to in this document.

Individuals who do not handle personal data as part of their normal work have a responsibility to ensure that any personal data they see or hear goes no further. This includes personal data and information extracted from such data, thus, for example, unauthorised disclosure of data might occur by passing information over the telephone, communicating information contained on a computer print-out or even inadvertently by reading a computer screen.

Staff and governors will be supplied with personal and sensitive data to enable them to fulfil their duties, they must protect this data and prevent unauthorised or inadvertent disclosure of this data. In terms of data accessed by computer the Acceptable Use Agreements will apply.

Disciplinary action may result if the Data Protection Principles or procedures outlined in this document are breached.

Policy Compliance

If any user is found to have breached this policy, they may be subject to Cheshire East Council's Disciplinary or Dignity at Work Policies. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, seek advice from your line manager.

Policy Governance

The following table identifies who within Bexton Primary School is Accountable, Responsible, Applicable or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted during final policy development.
- **Applies to** – the person(s) or groups that this policy is applicable.

Responsible	Data Protection Officer
Accountable	Governing Body
Consulted	Governing Body and staff
Applies to	All stakeholders

Review and Revision

This policy will be reviewed as it is deemed appropriate by the full governing body, but no less frequently than every 2 years.

References

The following Bexton Primary School policy documents are relevant to this policy:

- Bexton Primary School Acceptable Use Agreements (staff)

Additionally, details of the period of retention for information can be found in the following document:

- Records Management Society of Great Britain Retention Guidelines for Schools