

# **Townley School and Pre-School Data Protection Policy**



Townley School and Pre-School collects and uses personal information about staff, pupils, 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 a 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 issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, 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 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.

## **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. (Please see Appendix B).

## **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 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 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

## **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**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

## **Contacts**

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 5457453

## **Appendix A**

### **Townley School and Pre-School**

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.

- 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 request 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 Headteacher. 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 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 Headteacher 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, dependant upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependant 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 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 to be used then registered/recorded mail must be used.

## Complaints

Complaints about the above procedures should be made to the Chair 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 Complaints procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

## **APPENDIX B**

### **PERSONAL INFORMATION**

#### **1 Introduction**

1.1 This policy complies with the requirements of the Data Protection Act 1998 is based on three principles:

- to ensure respect for the privacy of the individual;
- to enhance the quality of decisions which affect individuals; (by specifying standards for the management of personal information).
- to facilitate the participation of people who wish to be involved in the making of decisions which affect them.

1.2 The policy sets the standards that govern the collection, use, storage, disclosure, or disposal of all personal information on employees held by the Governors. This policy takes account of the Information Commissioner's Employment Practices Code.

1.3 Documents will be held in accordance with the schedule set out in Appendix 1. Under the Freedom of Information Act 2000, schools are required to maintain a retention schedule listing the record series which the school creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use. The retention schedule lays down the basis for normal processing under both the Data Protection Act 1998 and the Freedom of Information Act 2000.

#### **2 Obtaining Information**

2.1 Information will be obtained fairly and lawfully and will only be processed with the explicit consent of the employee.

2.2 No employee, or other person acting on behalf of the Governing Body, will knowingly mislead or deceive any person about the purpose for which information is being collected.

2.3 Explanations will be available of the purpose for which information is required, either through a note on any form used, or from the person collecting the details.

#### **3 Purposes of Information and Length of Time Retained**

3.1 Personal Information will be held only for clearly specified purposes as indicated in Appendix 1.

3.2 The Governing Body will state the purposes for which it holds personal information, and will register with the Data Protection Commissioner all the purposes for which it processes personal data.

3.3 The school's Data Protection Index and Register entries will be kept as clear and comprehensive and up to date as possible.

#### **4 Nature of Information**

- 4.1 Every effort will be made to ensure that personal information gathered by the Governing Body is relevant to one of the specified purposes and is adequate, but not excessive, for it. Irrelevant or excessive data will be erased.
- 4.2 When a need for additional personal information is established, the Governing Body will ensure that the collection of each item of information can be justified.

## **5 Disclosure of Information**

- 5.1 Personal information will be used only for the purpose for which it was gathered, unless the consent of the people concerned has been obtained to a new or varied use.
- 5.2 Routine disclosures will be specified on the Data Protection register and in the School's own Data Protection Index of Information and consent will be deemed to have been given to routine disclosures so included.
- 5.3 In other cases the explicit consent of the data subject will be obtained in writing. Confirmation of consent by telephone is acceptable if a written request has been received which implies the consent of the data subject.
- 5.4 Personal information will be disclosed only to those who, in the view of the Governing Body, have a demonstrable need to know the information.
- 5.5 The policy is available to all staff.
- 5.6 Access to personal information will be refused if the data user is uncertain whether the person requesting access, including another member of staff, is entitled to it.

## **6 Standards of Data Collection**

- 6.1 Personal records will be accurate and kept up to date and checked on a regular basis. Where necessary the data subject will be asked to confirm that what has been recorded is accurate.
- 6.2 Information that is obtained from a third party will be marked to indicate its source.
- 6.3 Information that has not been verified will be marked "Unverified; not to be used for decision".
- 6.4 Personal information will be kept for as long as is required for the purpose for which it was originally collected. The period of retention will be determined by statutory requirements or specified in the school's procedures.

## **7 Access to Personal Files**

- 7.1 Staff are entitled to know if the Governing Body holds information about them.
- 7.2 A person about whom the Governing Body holds information may, at reasonable intervals and without undue cost or delay, have access to his or her personal records.

- 7.3 Information which would disclose the identity of a third person is exempt from access, unless the consent of the source is available. Nor will information be disclosed that would otherwise infringe upon the privacy of a third party.
- 7.4 The Governing Body will make all possible information available. However, access to personal information will be restricted where its disclosure could entail harm either to a person on whom the Governing Body hold information or to the Governing Body's guardianship of the interests of the school.
- 7.5 The means of access to personal information will normally be by physical access to the file. Requests for access will be met within 40 days of receipt of sufficient information to process the request.
- 7.6 The Governing Body will establish a scale of fees for access to information. Where the nature of the information or other circumstances warrant it, the Governing Body will waive the fee.
- 7.7 The Governing Body will verify the identity of people requesting access to the School's records, but will require only the minimum information compatible with protection for the data subject.

## **8 Standards of Security**

- 8.1 The School will determine and maintain an appropriate level of security for its premises, equipment, network, programs, data and documentation, and will ensure that access to them is restricted to appropriate staff.
- 8.2 Ease of access to premises or information will be related to the sensitivity of the information processed or stored.
- 8.3 Appropriate back-up procedures will be maintained.

## **9 Training**

- 9.1 All new and existing employees who handle personal information will receive training on data protection procedures, which includes information about the standards the School expects its employees to observe in the use of personal information.

## **10 Recording Information**

- 10.1 Nothing in this policy is intended to limit the right of members of staff to record all the information needed to achieve stated and agreed objectives. Any relevant facts or observation may and should be recorded.
- 10.2 Employees will make every effort to ensure that the information they record is accurate.
- 10.3 Where possible, the information recorded will be restricted to the factual.
- 10.4 Employees, whose responsibilities require them to record their opinions and impressions, will do so by recording their observations, followed by the conclusions they have drawn.
- 10.5 No employee will be held personally liable for action taken against the School by a data subject as a result of information recorded by that employee if the

employee has followed the School's policy.

## **11 References**

- 11.1 The Local Governing Body shall request open references and shall provide open references except where an employee has specifically requested that a closed reference be supplied.
- 11.2 Referees will be advised that the Governing Body has an open policy on references.
- 11.3 The Local Governing Body will comply with DfE guidance on references as issues from time to time in particular in relation to safeguarding children and safer recruitment in education.

## **12 Review of Policy**

- 12.1 This policy shall be reviewed as necessary.



## **Appendix C**

### **Retention of Documents on Personnel Files**

This schedule lists the Headteacher documents held on an employee's file. The list is not, however, exhaustive and other documents relating to employment may be held. Personnel files will be held for the length of employment + 7 years at which time they will be shredded. Documents relating to child protection may be held indefinitely. In this case the employee will be advised that this is the case. All of the documents held on the employee's file are held for the purpose of managing the employment relationship.

<b>Document</b>	<b>Period of retention</b>	<b>Method of disposal</b>
<b>Original job application form</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Two original references</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Copy of Contract of employment and any variation letters</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Original contract acceptance</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Confirmation of pre-employment medical check clearance</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Confirmation of CRB/DBS clearance</b>	<b>Indefinitely</b>	
<b>List 99 Clearance</b>	<b>Indefinitely</b>	
<b>Copies of documents used for identity authentication for CRB and Asylum and Immigration Act purposes</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Copies of qualifications certificates relevant to employment</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Formal disciplinary warnings – child protection related</b>	<b>Indefinitely</b>	
<b>Formal disciplinary warnings – not child protection related</b>	<b>In accordance with the school's policy</b>	
<b>Induction -NQTs Induction – other staff</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Work permit</b>	<b>Termination + 7 years</b>	<b>Shredding</b>
<b>Letter of resignation and acceptance of resignation or other documentation relating to the termination of employment.</b>	<b>Termination + 7 years</b>	<b>Shredding</b>
<b>Exit interview notes</b>	<b>Termination + 7 years</b>	<b>Shredding</b>
<b>Salary assessment forms teachers</b>	<b>Current year + 6 years</b>	<b>Shredding</b>
<b>Time sheets</b>	<b>Current year + 6 years</b>	<b>Shredding</b>
<b>Performance management information – mandatory for teachers</b>	<b>Current year + 6 years</b>	<b>Shredding</b>
<b>General Teaching Council registration – teachers</b>	<b>Current year + 6 years</b>	<b>Shredding</b>

<b>NQT – Satisfactory completion of the 3 skills tests.</b>	<b>Termination + 7years</b>	<b>Shredding</b>
<b>Medical certificates and sickness absence record</b>	<b>Current year + 6 years</b>	<b>Shredding</b>
<b>Other special leave of absence</b>	<b>Current year + 6 years</b>	<b>Shredding</b>

**including parental leave,  
maternity leave**

<b>Records relating to accident/injury at work</b>	<b>12 years + 12 years In the case of serious accidents a further retention period will need to be applied</b>	<b>Shredding</b>
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