

WILLOW LANE COMMUNITY PRIMARY SCHOOL DATA PROTECTION POLICY



Mission Statement

The children are at the heart of everything we do at Willow Lane Community Primary School and they are happy, creative and achieving well academically. They are encouraged to learn to the best of their abilities and we also want them to have fun along the way – to understand nature by growing vegetables and exploring the wildlife area, to develop confidence through drama and singing, to nurture independence through problem-solving and to develop positive human values by caring for each other and making links in the local community which we are proud to serve. We know that children learn – academically, socially and morally – when they are emotionally engaged and that is why we ‘teach to the heart’.

Date written	January 2017
Written by:	LCC and ICO Template adapted by Mel MacKinnon
Date approved by staff:	January 2017
Date Formally Approved by Governors	23 rd February 2017
Date Policy became effective	January 2017
Review Date	January 2019
Date added to Website:	January 2017

Willow Lane Primary 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.

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.

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.

Data Security:

- All staff are responsible for ensuring that:
- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- Personal information should be kept in a filing cabinet, drawer, or safe in a secure office, or, if it is computerised, be password protected. If a copy is kept on a USB memory key or other removable storage media, that media must itself be password protected and/or kept in a filing cabinet, drawer etc.

- Safe practices will be employed by staff when handling information – eg shutting down computers, updating passwords, keeping log-ons secure etc.
- Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Information about pupils in School

The Data Protection Act 1998: How we use pupil information:

We collect and hold personal information relating to our pupils and may also receive information about them from their previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service. We hold this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

This information will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information.

We are required, by law, to pass certain information about our pupils to our local authority (LA) and the Department for Education (DfE). We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. If you want to receive a copy of the information about your son/daughter that we hold, please contact: Alison Brennan, Bursar/Office Manager.

The DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998. Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at <http://www.lancashire.gov.uk/council/transparency/access-to-information/how-we-use-your-personal-information-and-your-right-to-access-it.aspx> or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to receive a copy of the information about your son/daughter that we hold, please apply in writing to:

The Headteacher
Willow Lane Community Primary School
Willow Lanbe
Lancaster LA1 5PR

Children in need or children looked after: information held by local authority

The Data Protection Act 1998: How we use your information:

We collect and process information about children in our care and children to whom we provide services. We use this personal data to:

- support these children and monitor their progress
- provide them with pastoral care; and
- assess the quality of our services

We will not give information about children in our care to anyone without relevant consent unless the law and our policies allow us to do so.

We are required, by law, to pass on some of this information to the Department for Education (DfE) which uses it to; develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice.

DfE may share child level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you require more information about how we and/or the DfE use this information, please visit:

- our website at: <http://www.lancashire.gov.uk/about/privacy-statement.aspx>
- the DfE's website at:
<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

or write to us at:

- Data Protection Lancashire County Council P.O.Box 78 County Hall Fishergate Preston Lancashire PR1 8XJ

If you are within one of these groups of children and want to see a copy of information about you that we hold, please contact:

- Data Protection Lancashire County Council P.O.Box 78 County Hall Fishergate Preston Lancashire PR1 8XJ
- Or email dataprotection@lancashire.gov.uk

The Data Protection Act 1998: How we use school workforce information:

We process personal data relating to those we employ to work at, or otherwise engage to work at, our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- our local authority
- the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data please visit:

- <http://www.lancashire.gov.uk/council/transparency/access-to-information/how-we-use-your-personal-information-and-your-right-to-access-it.aspx>
- <http://www.lancashire.gov.uk/about/privacy-statement.aspx>
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to see a copy of information about you that we hold, please contact:

The Headteacher
Willow Lane Community Primary School
Willow Lanbe
Lancaster LA1 5PR
Email: head@willow.lancs.sch.uk

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 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 Mr Mel MacKinnon. 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

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 on each occasion that access is requested in order to meet the costs of providing the details of the information held.
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. 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.
10. 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.
11. 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 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.

Retention of data:

The School has a duty to retain some staff and pupil personal data for a period of time following their departure from the School, 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.