

# Donington Cowley Endowed Primary School

## Data Protection Policy

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### 1. Introduction

- 1.1. **Donington Cowley Endowed Primary School** collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is processed in order to enable the School to provide education and other associated functions. In addition, there may be a legal requirement for the School to process personal information to ensure that it complies with statutory obligations.
- 1.2. Schools have a duty, as Data Controllers, to notify the Information Commissioner's Office (ICO) that they process personal information and to maintain an up to date Registration with the ICO of how and why they process personal data. **Donington Cowley Endowed Primary School** 's registration number is [insert registration number] and a copy of the notification document is available to view on the ICO's website by following this link <https://ico.org.uk/esdwebpages/search> . The School will ensure that the registration is renewed annually and that the registration fee is paid.

### 2. Purpose

- 2.1. 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 personal 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.
- 2.2. 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.

### 3. Key principles

- 3.1. Personal information or data is defined as data which relates to a living individual who can be identified from that data or from other information held by the school.
- 3.2. Data Protection Principles – These are the eight enforceable principles contained in Schedule 1 of the Data Protection Act. They are key to compliance with the Data Protection Act and the School will ensure that they are adhered to at all times.
  - 3.2.1. Principle 1 – Personal data shall be processed fairly and lawfully and for one of the specified purposes contained in schedule 2 and for sensitive personal data an additional purpose from Schedule 3.
  - 3.2.2. Principle 2 – Personal data shall be obtained only for one or more specified and lawful purposes.
  - 3.2.3. Principle 3 – Personal data shall be adequate, relevant and not excessive.
  - 3.2.4. Principle 4 – Personal data shall be accurate and where necessary, kept up to date.
  - 3.2.5. Principle 5 - Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes.

- 3.2.6. Principle 6 Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998.
- 3.2.7. Principle 7 – Personal data shall be kept secure i.e. protected by an appropriate degree of security
- 3.2.8. Principle 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.

3.3. To ensure compliance with the above principles the school will:

- (a) Inform individuals why the information is being collected at the point it is collected.
- (b) Inform individuals when their information is shared, and why and with whom it will be shared.
- (c) Check the quality and the accuracy of the information it holds.
- (d) Ensure that information is not retained for longer than is necessary.
- (e) Ensure that when obsolete information is destroyed that it is done so appropriately and securely.
- (f) Create, maintain and publish a Disposal and Retention Schedule setting out retention and disposal dates for common data sets and other information.
- (g) 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.
- (h) Share information with others only when it is legally appropriate to do so, utilising Information Sharing Agreements in accordance with the ICO's Data Sharing Code of Practice, where necessary.
- (i) The School will share personal data with the police or others for the purpose of crime preventions and detection, the apprehension or prosecution of offenders or for the purpose of legal proceedings, where properly requested, provided that the disclosure falls within an exemption to the non-disclosure provisions contained within the Data Protection Act.
- (j) Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- (k) Ensure our staff are appropriately trained and aware of and understand our policies and procedures.

#### 4. Privacy Notices

- 4.1. The School publishes a privacy notice on its website which provides information about how and why the school uses personal data.
- 4.2. The privacy notice will be reviewed at regular intervals to ensure it reflects current processing.
- 4.3. The privacy notice will be amended to reflect any changes to the way the School processes personal data.
- 4.4. The School will issue an annual privacy notice to all parents and pupils, before, or as soon as possible after, any personal data relating to them is obtained.
- 4.5. The privacy notice will include details of how the School uses CCTV, whether it intends to use biometric data and how consent will be requested to do this and include details of the School's policy regarding photographs and electronic images of pupils.

## 5. CCTV

- 5.1. Images and audio recordings of identifiable individuals captured by Closed Circuit Television amount to personal data relating to that individual and will be subject to the same provisions and safeguards afforded by the Data Protection Act as other types of recorded information.
- 5.2. The School may use CCTV for the following purposes:
  - To protect the school buildings and assets
  - To increase personal safety of staff, pupils and visitors
  - To reduce the fear of crime
  - To support the Police in order to deter and detect and to apprehend and prosecute offenders
  - To help protect members of the public and private property.
- 5.3. The School will ensure that any use of CCTV is necessary and proportionate to achieve the aims stated in 4.2 and will ensure that regular reviews of the use of CCTV within the School take place.
- 5.4. The School will ensure that any use of CCTV is included in its notification to the ICO.
- 5.5. The School's use of CCTV will comply with the Information Commissioner's Office CCTV Code of Practice <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/> .
- 5.6. The School will ensure that clear notices are in place identifying when an individual is entering an area that is monitored by CCTV. The notice will identify the School as the responsible data controller and will state the purpose for which the recording is taking place.
- 5.7. The School will not operate audio recording as part of the CCTV without seeking additional advice.
- 5.8. The School will not operate CCTV in any areas of the premises where individuals would have a legitimate expectation of personal privacy, such as toilets or changing rooms.
- 5.9. The School will ensure that CCTV recordings are kept securely and that access to them is restricted to those staff who operate the system or make decisions relating to how the images should be used.

## 6. Photographs and Electronic Images

- 6.1. The School has developed a policy <http://www.cowley.lincs.sch.uk/policies.asp> in relation to the use of photographs/videos that contain images of pupils. The policy provides the School's position regarding parents photographing and filming pupils at school events and the use of images of pupils by the School in any School publicity material, its website, in newspapers and in outside agency publications.

## 7. Biometric Data

- 7.1. If the School uses or intends to use biometric data (such as fingerprint technology) a separate, detailed notice will be sent to all pupils and parents explaining the intended

use and providing parents with options for alternative systems if they wish their child to opt out.

- 7.2. The School will obtain the written consent of at least one parent before taking and using and biometric data from a pupil.

## **8. Requests for Access to Personal Data**

- 8.1. This section sets out the process that will be followed by the school when responding to requests for access to personal data made by the pupil or their parent.

- 8.2. There are two distinct rights of access to information held by schools about pupils, parents and staff:

- (a) Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.  
(b) The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (England) Regulations 2005.

### **8.3. Handling a subject access request for access to personal data:**

- 8.3.1. Section 7 of the Data Protection Act gives individuals the right to access personal data relating to them, processed by a data controller. The right can be exercised by a person with parental responsibility on behalf of their child if the child is not able to understand the process.

- 8.3.2. For the purposes of a subject access request the school will apply the full legal definition of 'parental responsibility' when determining who can access a child's personal data.

- 8.3.3. Requests for information must be made in writing; which can include e-mail, and be addressed to the Head Teacher or the Chair of Governors. If the original request does not clearly identify the information required, then further enquiries should be made.

- 8.3.4. The identity of the requestor must be established before the disclosure of any information is made. Proof of the relationship with the child (if not known) must also be established as this will verify whether the individual making the request can lawfully exercise that right on behalf of the child. Below are some examples of documents which can be used to establish identity:

- Passport
- Driving licence
- Utility bill with current address
- Birth/marriage certificate
- P45/P60
- Credit card or mortgage statement.

- 8.3.5. It is widely accepted that children of primary school age do not have the maturity to understand and exercise their own rights and as such it is acceptable for those with Parental Responsibility to exercise these rights on their child's behalf. However, each request will be considered on its own merits and the circumstances surrounding the request and the child. A child with competency to understand can refuse to consent to a request for their personal information made under the Data Protection Act. This position

differs when the request is for access to the Education Record of the child (see below for more detail).

- 8.3.6. A charge of a maximum of £10 can be made for access to personal data that is not contained within an education record.
- 8.3.7. The response time for a subject access request is 40 calendar days (irrespective of school holiday periods). The 40 days will not commence until after receipt of fees, proof of identity and any necessary clarification of information is sought.
- 8.3.8. There are some exemptions available under the Data Protection Act which will mean that occasionally personal data will need to be redacted (information blacked out/removed) or withheld from the disclosure. All information will be reviewed prior to disclosure to ensure that the intended disclosure complies with the School's legal obligations.
- 8.3.9. Where the personal data also relates to another individual who can be identified from the information, the information will be redacted to remove the information that identifies the third party. If it is not possible to separate the information relating to the third party from the information relating to the subject of the request, consideration will be given to withholding the information from disclosure. These considerations can be complex and additional advice will be sought when necessary.
- 8.3.10. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another person will be withheld along with any information that would reveal that the child is at risk of abuse, or information relating to Court Proceedings.
- 8.3.11. Where redaction has taken place then a full copy of the information provided will be retained in order to maintain a record of what was redacted and why and a clear explanation of any redactions will be provided in the School's response to the request.
- 8.3.12. If there are concerns about the disclosure of information additional advice will be sought.

#### 8.4. Handling a request for access to a curricular and educational record as defined within the Education (Pupil Information) (England) Regulations 2005.

- 8.4.1 A parent may make a request to access information contained within their child's education record, regardless of whether the child agrees to the disclosure of information to them. The right of access belongs to the parent in these cases. It is not a right being exercised by the parent on behalf of the child.
- 8.4.2 For the purpose of responding to an Educational Records request, the School will apply the definition of 'parent' contained within the Education Act 1996.
- 8.4.3 An "educational record" means<sup>1</sup> any record of information which-
  - (a) Is processed by or on behalf of the governing body of, or a teacher at, any school maintained by a local education authority and any special school which is not so maintained.
  - (b) Relates to any person who is or has been a pupil at any such school; and

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2005/1437/made>

(c) Originated from or was supplied by or on behalf of the persons specified in paragraph (3) Other than information which is processed by a teacher solely for the teacher's own use

8.4.4 The amount that can be charged for a copy of information contained in an education record will depend upon the number of pages provided. The charge made will be in accordance with the Schedule to the Data Protection (subject access) (Fees and Miscellaneous Provisions) Regulations 2000.

8.4.5 No charge will be made to view the education record.

8.4.6 The response time for requests made under the Education (Pupil Information) (England) Regulations 2005 is 15 school days (this does not include half terms or teacher training days).

8.4.7 An exemption from the obligation to comply with the request will be claimed where the disclosure of the information to the parent may cause serious harm to the physical or mental or emotional condition of the pupil or another person or if the disclosure of the information would reveal that the child is at risk of abuse.

## **9. Retention of personal data**

- 9.1. The Governing Body of the School will determine the School's policy for the retention and disposal of records <http://www.cowley.lincs.sch.uk/policies.asp>. This policy will reflect on national guidelines, statutory obligations and other legal requirements.
- 9.2. The School will ensure that personal data is stored, transferred and disposed of securely and in accordance with the retention and disposal schedule.

## **10. Security of personal data**

- 10.1. The School will ensure that appropriate security measures are in place and enforced to keep paper and electronic personal data secure.
- 10.2. The School will regularly review the physical security of the School buildings and storage systems.
- 10.3. The School will ensure that only authorised individuals have access to personal data.
- 10.4. All portable electronic devices containing personal data will be encrypted.
- 10.5. No personal data will be left unattended in any vehicles and staff will ensure that if it is necessary to take personal data from School premises, for example to complete work from home, the data is suitably secured.
- 10.6. The School will refer to any relevant guidance and seek advice where necessary if processing personal data utilising a cloud based solution.

## **11. Complaints**

- 11.1. Complaints relating to the School's compliance with the Data Protection Act will be dealt with in accordance with the school's complaint policy. Complaints relating to information handling may be referred to the Information Commissioner's Office (the statutory

regulator). Contact details can be found on their website [www.ico.org.uk](http://www.ico.org.uk) . Complaints relating to access to personal information or access to education records should be made to [Insert details of relevant person] who will decide whether it is appropriate for the complaint to be dealt with through the School's complaints procedure. Complaints which are not appropriate to be dealt with through the school's complaints procedure can be referred to the Information Commissioner. Details of how to make a complaint will be provided with the response letter.

## **12. Review**

- 12.1. 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 Head teacher or nominated representative.

## **13. Contacts**

- 13.1. If you have any enquiries in relation to this policy, please contact [insert details of Head teacher or nominated representative].
- 13.2. Further advice and information is available from the Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk) or telephone 01625 5457453