



Cranham Church of England (VA) Primary School

Data Protection Procedures

September 2014

Handwritten signature of Anne Nolan in black ink.

Anne Nolan (Headteacher)

September 2014

Handwritten signature of Nick Ryan in blue ink.

Nick Ryan (Chair of Governors)

September 2014

Version	Notes	Date
1	Policy re-write	September 2014

Data Protection Procedures

Date	Review Date	Coordinator	Nominated Governor
24.09.14	Sept 2016	Anne Nolan	Nick Ryan

We believe this policy relates to the following legislation:

- EC Convention on Human Rights and Fundamental Freedoms 1950
- Rehabilitation of Offenders Act 1974
- Access to Medical Records 1988
- Data Protection Directive 95/46/EC
- Asylum and Immigration Act 1996
- Employment Rights Act 1996
- Data Protection Act 1998
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Freedom of Information Act 2000
- Regulation of Investigatory Powers Act 2000
- Telecommunications (Lawful Business Practice) Regulations 2000
- Protection of Freedoms Act 2012

We believe that all personal data covered by the Data Protection Act 1998 includes the school admission register, attendance registers, pupils' curricular records, assessment data, class lists, reports to parents, pupils' disciplinary records, school personnel files, school financial information, school strategic and school improvement plans, recorded CCTV footage, pupils' family and home contact details, records of contractors and suppliers and records of pupils entering public examinations.

We will ensure that under the Data Protection Act 1998 all school personnel are able to access their personal data that is held about them. We believe it is our duty to respond to any request of access within 40 days.

We will ensure a pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

We aim to fulfill our obligations under the Data Protection Act 1998 and to protect the right of school personnel and pupils to privacy in line with the Act.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

Aims

- To allow all school personnel their right to have access to their personal data.
- To allow all parents their right of access to their child's records.
- To protect all school personnel's right to privacy in line with the Data Protection Act 1998.
- To protect all pupil's right to privacy in line with the Data Protection Act 1998.
- To work with other schools to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- the responsibility to comply with the legal requirements of the Data Protection Act 1998;
- the responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998;
- the responsibility to register with the information commissioner's office annually;
- delegated powers and responsibilities to the Headteacher as 'Data Controller' for the school;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- nominated a link governor to visit the school regularly, to liaise with the Headteacher and to report back to the Governing Body;
- responsibility for the effective implementation, monitoring and evaluation of this policy

Role of the Headteacher

The Headteacher will:

- act as 'Data Controller' for the school and act as co-ordinator of the policy.
- ensure the school complies with the Data Protection Act 1998 and the eight data protection principles;
- ensure all data is processed fairly and lawfully;
- ensure security measures and confidential systems are in place to protect personal data and pupil records;
- ensure data is obtained for specific and lawful purposes;
- ensure data is adequate, relevant and not excessive;
- ensure all personal data is accurate and that inaccurate data is corrected or erased;

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- ensure that at the beginning of every academic year all school personnel will receive a copy of their personal data;
- ensure procedures are in place to deal with requests for access to personal data;
- ensure data is not kept longer than is necessary;
- ensure school personnel are aware of their rights;
- ensure school personnel are aware of their responsibilities;
- ensure a pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days;
- ensure a Common Transfer File is sent when a pupil joins another school;
- make effective use of relevant research and information to improve this policy;
- work closely with the link governor;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;
- annually report to the Governing Body on the success and development of this policy

Role of the Nominated Governor

The Nominated Governor will:

- work closely with the Headteacher.
- ensure this policy and other linked policies are up to date;
- ensure that everyone connected with the school is aware of this policy;
- attend training related to this policy;
- report to the Governing Body every term;
- annually report to the Governing Body on the success and development of this policy

Role of School Personnel

School personnel will:

- comply with all aspects of this policy;
- be aware of all other linked policies;
- follow the safe and confidential system procedures that are in place to protect personal data and pupil records;
- receive a copy of their personal data at the beginning of every academic year:
- check this data and will inform the Data Controller of any mistakes;
- apply in writing for access to their personal data;
- comply and respect confidentiality of personal information at all times but especially when involved with interviewing new school personnel;
- provide accurate and up to date personal information;
- inform the school and the Local Authority of any changes to their personal data
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

Data Protection Principles

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Personal data must:

- be processed lawfully;
- be obtained and processed for specific and lawful purposes;
- be sufficient, appropriate and not excessive in relation to the precise purpose;
- be accurate and up to date;
- not be kept for a great length of time;
- be processed in agreement with the individual's legal rights;
- be protected against unlawful processing, accidental loss, destruction or damage;
- not be transferred outside the EU unless the rights and freedom of the individual is protected

Security Measures

We work in conjunction with the Local Authority Code of Practice to ensure that computers and servers comply with all up to date Government regulations and are secure with:

- anti-virus software;
- fire wall software;
- passwords

All school personnel are trained to:

- be discreet and confidential;
- consider the safe and secure positioning of computers;
- back up data;
- turn off computers when not in use;
- remember password access;
- lock filing cabinets and doors to offices;
- shred confidential material;
- clear their desk before they leave school

Disclosure of Data

Personal data cannot be disclosed to a third party without the consent of the individual except when it is legally required.

Requests for Access to Data

All requests from school personnel for access to their data must be made in writing on headed note paper and sent to the data controller.

Rights of Individuals

Individuals have rights to:

- know when their data is being processed, the reason it is being processed and the name of the person or organisation requesting the information;
- prevent processing which could be harmful to them or others;

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- prevent the processing of their performance management records;
- go to court to prevent inaccurate data being used;
- be compensated if a data controller contravenes the Data Protection Act;
- stop data being processed for direct marketing

Individuals are not entitled to:

- copies of their references;
- information on pay reviews;
- examination results until they have been released

Grievance Procedure

Any member of the school personnel who disputes any aspect of their personal data with the Data Controller has the right to take up the matter under the school's formal grievance procedures.

Rights of Parents, Carers and Pupils

Pupil's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

Pupils may also request access (in writing) to their educational records.

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- school events
- meetings with school personnel

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on this policy on induction which specifically covers:
 - Data Protection Act 1998
 - Freedom of Information 2000
 - Access to Personal Records
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation)

Linked Policies

▪ Equality	▪ E-Safety	▪ Grievance Procedure
▪ Freedom of Information Act		

Headteacher:		Date:	
Chair of Governing Body:		Date:	

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Initial Equality Impact Assessment

Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
			✓	

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Governors	School Volunteers	School Visitors	Wider School Community
	✓	✓	✓	✓			

Question	Equality Groups																		Conclusion										
	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Yes	No			
Does or could this policy have a negative impact on any of the following?	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
		✓			✓			✓			✓			✓			✓			✓						✓			
Does or could this policy help promote equality for any of the following?	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Yes	No
	✓			✓			✓			✓			✓			✓			✓			✓				✓			
Does data collected from the equality groups have a positive impact on this policy?	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Yes	No
	✓			✓			✓			✓			✓			✓			✓			✓				✓			

Conclusion	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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Preliminary EIA completed by	Date	Preliminary EIA approved by	Date

Policy Evaluation

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed				
• Policy in line with current legislation	✓			
• Coordinator in place	✓			
• Nominated governor in place	✓			
• Coordinator carries out role effectively	✓			
• Headteacher, coordinator and nominated governor work closely	✓			
• Policy endorsed by governing body	✓			
• Policy regularly discussed at meetings of the governing body	✓			
• School personnel aware of this policy	✓			
• School personnel comply with this policy	✓			
• Pupils aware of this policy			✓	
• Parents aware of this policy	✓			
• Visitors aware of this policy				
• Local community aware of this policy				
• Funding in place				
• Policy complies with the Equality Act	✓			
• Equality Impact Assessment undertaken	✓			
• Policy referred to the School Handbook				
• Policy available from the school office				
• Policy available from the school website				
• School Council involved with policy development				
• All stakeholders take part in questionnaires and surveys				
• All associated training in place				
• All outlined procedures complied with	✓			
• Linked policies in place and up to date				
• Associated policies in place and up to date				
A statement outlining the overall effectiveness of this policy				

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Policy Approval Form

Policy Title:	Data Protection Procedures					Date when written:	24.09.2014		
Policy written by:	Victoria Soutar				New Policy (✓ or x)	<input type="checkbox"/>	Revised Policy (✓ or x)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stakeholders consulted in policy production: (✓ or x)	Governors	Senior Leadership Team	Teaching Personnel	Support Personnel	Administrative Personnel	Parents	Pupils	Local Community	
	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date when approved by Governors:			Date when presented to stakeholders:			Date when implemented:			
Published on: (✓ or x)	School Website			School Prospectus			Staff Handbook		
	<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>		