

*Moorlands Schools Federation*



**Moorlands Schools Federation**

**Data Protection Policy**

# MOORLANDS SCHOOLS FEDERATION

## DATA PROTECTION POLICY

<b>Status</b>	<b>Adopted</b>	
<b>Date adopted by governing body:</b>	February 2015	
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<b>Revision History</b>		
Created by	Office Manager	1.0
Associated Policies		

### 1. Rationale

- a) The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.
- b) The Headteacher and Governors of these Schools intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1998 ('The 1998 Act'). In summary these state that personal data shall:
  - Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
  - Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
  - Be adequate, relevant and not excessive for that purpose
  - Be accurate and kept up to date
  - Not be kept for longer than is necessary for that purpose
  - Be processed in accordance with the data subject's rights
  - Be kept safe from unauthorized access, accidental loss or destruction
- c) Moorlands Federation staff or others who are involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

### 2. Enquiries

Information about the school's Data Protection Policy is available from The Office Manager. General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 01625 545 745, website [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)).

### 3. Data Controller

- d) The school as a body corporate is the Data Controller under the 1998 Act and the Governors are ultimately responsible for implementation.
- e) Data Controllers, and those appointed to do so by the Data Controller, will deal with day to day matters
- f) The School has two designated Data Controllers: The Headteacher and the Office Manager
- g) Any member of staff, parent, carer or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the Office Manager, The.

### 4. Definitions: Fair Processing and Data

Moorlands Schools Federation undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form.

**“processing”** means obtaining, recording or holding the information or data or carrying out any operations on the information or data.

**“data subject”** means an individual who is the subject of personal data or the person to whom the information relates. In our school this would include parents, pupils and staff.

**“personal data”** means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, internet or media.

**“parent”** has the meaning given in the Education Act 1996, and includes any person having parental responsibility or care of a child.

### 5. Registered Purposes

The Data Protection Registration entries for the School are available for inspection, by appointment, at the school office. Explanation of any codes and categories entered is available from The Office Manager. Registered purposes covering the data held at the school are listed on the schools' registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent, save for in circumstances listed under 'Authorised Disclosure' at point 9 below.

## **6. Data Integrity**

The school undertakes to ensure data integrity by the following methods:

### **(a) Data Accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the schools of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgment. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

### **(b) Data Adequacy and Relevance**

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Records are set up on admission and updated annually when excessive and irrelevant data will be deleted.

### **(c) Length of Time**

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Office Manager to ensure that obsolete data is properly erased.

### **(d) Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions or race. This may be to ensure that the school is a safe place for everyone or to operate other school policies or procedures, such as sick pay or equal opportunities. Because this information is considered sensitive under the 1998 Act, staff and others where appropriate, will be asked to give their express consent for the school to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

## **7. Right to access information**

(a) Under the Data Protection Acts all data subjects are entitled to the following:

- Access to their own personal data.
- Knowledge of what information the school holds and processes about them or their child and why
- Knowledge of how to gain access to it
- Knowledge of how to keep it up to date
- Knowledge of what the school is doing to comply with its obligations under the 1998 Act.

(b) Any person who wishes to exercise their rights under this Policy should complete an Access to Personal Data Request (see Appendix A) and submit it to the Designated Data Controller.

(c) Where a request for subject access is received from a pupil, the school's policy is that:

- Requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.

(d) Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

## **8. Processing Personal Data Requests**

(a) Requests for access must be made in writing.

(b) Pupils, parents or staff may ask for an Access to Personal Data Request Form, available from the School Office.

(c) Completed forms should be submitted to the Office Manager. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (eg Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

(d) Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

## 9. Authorised Disclosures

The Schools will, in general, only disclose data about individuals with their consent. However there are circumstances under which the Schools' authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Staff data disclosed to relevant authorities eg in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel working on behalf of the Local Education Authority are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **needs to know** the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

A **“legal disclosure”** is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An “**illegal disclosure**” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School’s registered purposes.

## **10. Data and Computer Security**

Moorlands Schools Federation undertakes to ensure security of personal data by the following general methods:

### **(a) Physical Security**

Appropriate building security measures are in place. Discs, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

### **(b) Logical Security**

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (ie security copies are taken) regularly.

### **(c) Procedural Security**

In order to be given authorised access to the computer, staff will have to undergo checks and will agree to abide with the Procedure for IT Use. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Overall security for data is determined by the Head Teacher and the Governing Body and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.

Any queries or concerns about security of data in the school should in the first instance be referred to The Office Manager.

## **11. Retention of data**

The school has a duty to retain some staff and student 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 or academic transcripts. Different categories of data will be retained for different periods of time.

## **12. Staff responsibilities**

(a) Staff responsibilities are set out in the Staff Guidelines at Appendix B. It is a staff member's responsibility to ensure that they are clear on their responsibilities under the 1998 Act and this policy

(b) Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data.

(c) A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

## 11. **Photographs and videos taken by parents**

Parents, legal guardians and other family members may wish to photograph or make video recordings of their children taking part in school events. The Data Protection Act 1998 does not apply to images taken purely for personal use. The school however takes practical steps to ensure that images of children are taken and used safely as follows:

- Limit photography, video recording or other image taking to designated areas in the school, for example in the main school hall where the event is taking place, not in backstage areas or classrooms.
- Assign a specific time during the event when images can be taken in appropriate settings.
- Ensure children are appropriately dressed.
- Monitor the use of cameras and other equipment.
- At the beginning of each academic year parents/carers will be given this information in 'Information for parents/carers – taking photographs and video at school events'. A copy of this document is attached at Appendix D
- At any event parents will be reminded of the contents of 'information for parents/carers'.

## 12. **Privacy information for parents**

Annually we share with parents/carers and pupils our privacy notice a copy of which can be found at Appendix C

13. Further details on any aspect of this policy and its implementation can be obtained from: The Office Manager

## **Appendices**

Appendix A – Access to personal Data Request Form

Appendix B - A guideline for staff.

Appendix C - A privacy notice for pupils and parents/carers.

Appendix D – A copy of the note ‘Information for parents/carers – taking photographs and video at school events’.

**ACCESS TO PERSONAL DATA REQUEST  
DATA PROTECTION ACT 1998 Section 7.**

Enquirer's Surname.....

Enquirer's Forenames.....

Enquirer's Address

.....  
.....  
.....

Enquirer's Postcode .....

Telephone Number .....

Are you the person who is the subject of the records you are enquiring about  
YES / NO (i.e. the "Data Subject")?

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the  
YES / NO records you are enquiring about?

If YES,

Name of child or children about whose personal data records you are enquiring

.....  
.....  
.....

Description of Concern / Area of Concern

Description of Information or Topic(s) Requested ( In your own words)

Additional information.

Please dispatch reply to: *(if different from enquirer's details as stated on this form)*

Name

Address

Postcode

**DATA SUBJECT DECLARATION**

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent/Carer)

.....

Name of "Data Subject" (or Subject's Parent/Carer)

(PRINTED).....

Dated .....

## Appendix B

### **Moorlands Schools Federation Guidelines for staff** **Data protection/Freedom of Information**

1. Staff should be aware of the contents of the School's Data Protection Policy and its impact on the confidentiality of all pupils and adults' personal data and details.

2. Responsibilities:

- Staff are responsible for:
  - Checking that any information that they provide to the school in connection with their employment is accurate and up to date
  - Informing the school of any changes to information that they have provided, e.g. change of address either at the time of appointment or subsequently. The school cannot be held responsible for any efforts unless the staff member has informed the school of such changes
  - Any personal data they hold is kept securely
  - Personal information is not disclosed either orally or in writing or via web pages, social media or any other means either accidentally or otherwise to any unauthorised third party.
- Personal information should:
  - Be kept in a locked filing cabinet, drawer or safe
  - If it is computerized, be coded, encrypted, or password protected. If a copy is kept on a disc or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer or safe.
- If and when, as part of their responsibilities staff collect information about other people (e.g. about a student's course work, opinions about their ability, references and details of personal circumstances they may complain with the School's Data Protection Policy and must share the information with the Headteacher before it is disclosed.
- School memory sticks and laptop computers must be labelled as such.

3. Taking data off site:

Personal data may only be taken off site in the following circumstances:

- (i) On a laptop issued by the school to a member of staff and which has an encrypted hard drive.
- (ii) On an encrypted memory stick, issued by school to a member of staff
- (iii) As a document created and stored in Google Apps, but only when logged into the moorlandsfederation.org domain

4. Staff e mails:

All school staff have a school e mail account. E mail messages relating to school should always be sent from the school account and received at the school account. Personal e mail accounts should not be used.

5. Photographs:

- (i) Photographs should only be taken using school cameras and stored on the school computer system.
- (ii) Permission is obtained from parents/carers at the beginning of each academic year for photographs to appear in the press and on the school website. Only photographs of pupils who have the relevant permission may be used for the website and press.
- (iii) If press photographers are present at an event hosted by a third party staff will ensure that only pupils with relevant permission are photographed.

6. Password security

Passwords for accessing the school network, DB Primary or the Google Apps system must not be shared, even with colleagues.

7. School Web Presence

First names and initial of surname will be used to identify pieces of work on the school website.

8. Pupils e mails

Pupils are given a moorlandsfederation.org e mail address and password. Parents and pupils are made aware that the usernames/passwords are confidential.

Other

- 9. Contact details of pupils, parents and staff must not be disclosed under any circumstances. Any requests for such information will be passed to the Business Manager.
- 10. Any request under Freedom of Information should be channeled through the Office Manager.
- 11. Staff should be aware that it is a condition of employment that employees will abide by the rules and policies made by the School. Any failures to follow the Policy could therefore result in disciplinary proceedings.

## Appendix C

### **Moorlands Schools Federation** **Privacy Notice for Pupils and Parents/Carers**

We, Moorlands Schools Federation, are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about your child from your child's previous school and the Learning Records Service. We hold this personal data and use it to:

- support teaching and learning
- monitor and report on progress
- provide appropriate pastoral care, and
- assess how well the school is doing.

This information includes contact details for your child's parent/carers, your child's national curriculum assessment results, attendance information and personal characteristics, such as ethnic group, special educational needs and any relevant medical information.

We will not give information about you to anyone outside the school without your consent unless the law allows us to do so.

We are required by law to pass some of your information to the Local Authority and the Department for Education.

If you want to see a copy of the information we hold and share about you then please contact the School Office at either the Junior or Infant School.

If you would like further information about how we hold your information then please contact the School's Business Manager via either school office.

If you require more information about how the Local Authority or Department for Education store and use this data then please contact:

Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT. Tel: 0870 000 2288

Children's Services, Bath and North East Somerset Council, PO Box 25, Riverside, Keynsham, Bristol, BS31 1LA Phone: 0800 073 1214

## Appendix D

### **MOORLANDS SCHOOLS FEDERATION Information for parents/carers - use your Camera and Video Courteously**

A guide for parents who wish to use photography and/or video at a school event

We understand that parents may wish to record memorable moments within their children's school lives in photographs and/or video. In deciding whether or not it is appropriate to allow the use of photography and/or video we must ensure the protection of all children in the schools' care.

Generally photographs and videos for school and family use are a source of innocent pleasure and pride which can enhance self esteem for children and young people and their families. By following some simple guidelines we can proceed safely and with regard to the law:

- The Head and School Governors have the responsibility to decide the conditions that will apply in order that children are kept safe and that the performance is not disrupted and children and staff not distracted. In line with this, there may be some events that parents and carers are not permitted to use photography and videos.
- Parents and carers can use photographs and videos taken at a school event for their own personal use only. Such photos and videos cannot be sold and must not be shared publicly on the web/internet and social networking sites.
- Parents and carers must make their own child their focus when taking photographs or video.
- Parents and carers must not photograph or video children changing for performances or events. Use of cameras and videos is restricted to the event and not in classrooms, backstage or other areas of the school.
- If you are accompanied or represented by people that school staff do not recognise they may need to check out who they are if they are using a camera or video recorder.
- Parents and carers must follow guidance from staff as to when photography and videoing is permitted and where to stand in order to minimise disruption to the activity.
- Staff will give guidance at all school events regarding the taking of photography/video and will wherever possible make arrangements for photographs to be taken.
- If any parent or carer has any reason why their child should not be videoed/photographed at a school performance, in the manner set out above, please contact the school as soon as possible before the event.