



DATA PROTECTION POLICY 2017

Responsibility:	D L Davies
Review:	September 2018

General Statement

The Governing Body of Llantwit Major 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.

The Headteacher and Governors of Llantwit Major School intent to comply fully with the requirements and principles of the Data Protection Act .The school as Data Controller will take all reasonable steps to meet this responsibility and to promote good practice in the handling and use of personal information.

Llantwit Major 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.

The School is a Data Controller, registered with the Information Commissioner's Office (ICO). The School also has a duty to issue a Privacy 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 have an obligation to be aware of their duties and responsibilities by adhering to these guidelines.

This policy statement applies to all School governors, employees, and individuals about whom the School processes personal information, as well as other partners and companies with which the school undertakes its business.

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.

General Statement

The school is committed to maintaining the above principles at all times.

Therefore the school will:

- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure when obsolete information is destroyed 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

Enquiries

Information about the school's Data Protection Policy is available from *the* Headteacher or the School Business 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)).

Fair Obtaining and Processing

Llantwit Major School 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. If details are given verbally, the person collecting will explain the issues before obtaining the information.

"Processing" means obtaining, recording or holding the information or data or carrying out any or set of 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.

"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.

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 Mr. B. Armstrong *Data Manager*, who is the delegated person nominated to deal with Data protection issues in the School. Registered purposes covering the data held at the school are listed on the school's 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.

Data Integrity

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

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School 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.

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.

- Employees-Data is requested via the authority to ensure appropriate information is acquired on the individual employee at authority and school level. Subsequently records will be reviewed annually at the start of each academic year and all staff are required to review a personal data sheet to verify key information is accurate and up to date. The data return sheets are provided by the School Data Manager. All school staff are advised to notify the school office of changes to any key information that may take place during the school year.
- Students –prior to entry to the school parents or guardians are required to submit requested information via a school data collection sheet. Parents are advised to notify the school of any key changes so student records are updated. Data request forms are released via the school office to parents annually in conjunction with the release of summer reports. Student transfer files are normally received as an electronic CTF file which is made available via S2S the secure network service for school data upload/download.

The school Data Manager and the School Business Manager are the delegates responsible for administering the data handling systems in Llantwit Major School.

Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of Mrs. S Botham - Business Manager and Mr. B Armstrong -Data Manager to ensure that obsolete data are properly erased.

Subject Access

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil/ parent, the school's policy is that:

- Requests from pupils/ parents 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 appropriate carer/guardian.
- 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.

Processing Subject Access Requests

Requests for access must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form, available from the School Office. Completed forms should be submitted to Mr. Bryan Armstrong/ Mrs. S Lambert. 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 (e.g. 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.

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 dates in accordance with the current Education (Pupil Information) Regulations.

Authorised Disclosures

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the School's 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 e.g. 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 writing on behalf of the LEA are IT liaison/data processing officers, for example in the LEA, 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 **need 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.

Data and Computer Security

Llantwit Major School undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

Physical Security

Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed access to appropriate data records. Disks, 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. The school operates security measures to limit access to teaching blocks via a fob system.

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 (i.e. security copies are taken) regularly. All staff have been provided with encrypted memory devices and have been

instructed on their use, this provision is part of a preventative measure to control access to sensitive data should there arise the need for data to be available to work on off the school site. Appropriate encryption software is used to protect information held on staff laptops.

Procedural Security

In order to be given authorised access to paper based or computer records, staff will have to undergo checks and will sign a confidentiality agreement. 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 policy for data is determined by Dr. VM Browne, Head teacher, the Governing Body. The policy and procedures are monitored and reviewed regularly, especially if a security loophole or breach becomes apparent. The School's security policy is kept in a safe place at all times.

Any queries or concerns about security of data in the school should in the first instance be referred to Mr. Bryan Armstrong Data Manager

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

Appendix 1 - Procedures for responding to subject access requests.

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.

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 Dr. VM Browne.

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 license
- 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 charge for the provision of data, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should information requested be personal information that does not include any data contained within educational records schools can charge (up to £10).
- 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.

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 a child is at risk of abuse, or facts 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 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 relating to information handling may also be referred to the Information Commissioner (the statutory regulator).

Contacts

If you have any enquires in relation to this policy, please contact Dr. VM Browne Headteacher who will also act as the contact point for any subject access requests.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 5457453

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.

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

Enquirer's Surname Enquirer's Forename(s)

Enquirer's Address
.....
.....
.....

Enquirer's Postcode

Telephone Number Mobile 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 records you are enquiring about? YES / NO

If YES,

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

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

Description of Concern / Area of Concern

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.....
.....

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

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.....
.....

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 dispatch name and address above that I have authorised to receive such information).

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

Name of "Data Subject" (or Subject's Parent) (PRINTED).....

Dated

This is a Notice of Information required from the school under non-disclosure exempt provisions of the Data Protection Act 1998, Section 29(3).

This form is to be completed by the person requesting personal information from a school for the recognised purpose as indicated by (a),(b),(c), below.

To:		(Headteacher name)
Of:		(School name)

I am making enquiries which are concerned with:		tick
(a)	The prevention and /or detection of crime	
(b)	The apprehension or prosecution of offenders	
(c)	The assessment or collection of any tax or duty or of any imposition of a similar nature	

Please complete the nature of request(s)

The information is needed to process the offence(s) of:

I confirm that the personal data requested are needed for that/those purposes(s) and failure to provide the information will, in my view, be likely to prejudice that/those purpose(s).

Requestor	
Signed	
Name of Officer	
Position & Number	
Date of Request	
Approval	
Authorised By	
Name	
Date Authorised	