



**'Learn, Serve, Shine'**  
**Crockham Hill C E Primary School**  
**Data Protection Policy**

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| <b>Review Body:</b>  | Full Governing Body  |
| <b>Leadership Group Responsibility:</b>  | Headteacher          |
| <b>Type of Policy:</b>   | Statutory            |
| <b>Review Period:</b>  | 3 years or as needed |
| <b>(Aug 17 – informed should be every 2 yrs so reviewed at FGB meeting 20.09.17 and checks to be made and brought back for approval at FGB 06.12.17)</b> |                      |
| <b>Reviewed:</b>   | Summer 2015          |
| <b>Next Review:</b>  | Summer 2018          |

The Data Protection Act 1998 (DP Act) is the law that protects personal privacy and upholds individual rights. The Act applies to the school as the school handles information and has access to people's personal data.

**All staff must be aware of and ensure that they comply with the requirements of the Act when managing information with regard to any personal information they hold.**

#### **SCOPE OF THE POLICY**

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards and individual. It also applies to personal data held visually in photographs or video clips (including CTV) or as sound recordings.

The school collects a large amount of personal data every year including staff records, names and addresses of those requesting admissions, assessment results and references. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities, government agencies and other bodies.

The school bases its approach to data protection on eight principles for 'good information handling'. The school is committed to maintaining these eight principles at all times. In summary, data must be:

1. obtained and processed fairly and lawfully
2. held only for specified and lawful purpose(s)
3. adequate, relevant and not excessive
4. accurate and, where necessary, kept up-to-date
5. held no longer than necessary
6. processed in accordance with the rights of the data subjects under the 1998 Data Protection Act
7. subject to appropriate technical and organisational measures to avoid unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
8. only transferred to countries in the EEA unless a country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of data.

As a result this means that the school will:

- inform Data Subjects why they need their personal information, how they will use it and with whom it may be shared. This is known as a Privacy Notice.
- Check the quality and accuracy of the information held
- Apply the records management policies and procedures to ensure that information is not held longer than is necessary

- Ensure that when information is authorised for disposal it is done appropriately
- Ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or on a computer system
- Only share personal information with others when it is necessary and legally appropriate to do so
- Set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection Act (see appendix 1 for our procedure)
- Train all staff so that they are aware of their responsibilities and of the school's relevant policies and procedures

#### **NOTIFICATION BY THE SCHOOL AS 'DATA CONTROLLER'**

The school has a legal responsibility to comply with the Act and to 'notify' the Information Commissioner of the processing of personal data. The school as a corporate body is registered as a Data Controller and has declared its reasons for processing personal information.

This information will be included in a public register which is available on the Information Commissioner's website at the following link:

<http://www.ico.org.uk>

#### **ENSURING CORRECT PROCESSING OF INFORMATION**

All staff have access to information published by Kent County Council to support the correct processing of information, i.e. 'Data Protection Guidance for Staff' as well as a named contact at KCC for support and advice. This publication is on display in the staff area.

### **Appendix 1 – Procedure for Access to Personal Information**

#### **CROCKHAM HILL C E PRIMARY SCHOOL**

##### **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 a pupil has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see below).
2. The right of parents to have access to curricular and educational records relating to their child as defined within the Education (Pupil Information) (England) Regulations 2005.

These procedures relate to the above mentioned rights.

##### **Dealing with a request**

1. Requests for personal information must be made in writing and addressed to the Headteacher. 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 personal 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
- 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. As a general rule, a child of 12 or older is expected to be mature enough to understand the request they are making. If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf.

The Headteacher should discuss the request with the child and take their views into account when making a decision.

4. The school may make a charge for the provision of information, dependant upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided. The fees work on a scale basis as below.

| <b>Number of pages</b> | <b>Maximum fee</b> |
|------------------------|--------------------|
| 1-19                   | £1                 |
| 20-29                  | £2                 |
| 30-39                  | £3                 |
| 40-49                  | £4                 |
| 50-59                  | £5                 |
| 60-69                  | £6                 |
| 70-79                  | £7                 |
| 80-89                  | £8                 |
| 90-99                  | £9                 |
| 100-149                | £10                |
| 150-199                | £15                |
| 200-249                | £20                |
| 250-299                | £25                |
| 300-349                | £30                |
| 350-399                | £35                |
| 400-449                | £40                |
| 450-499                | £45                |
| 500+                   | £50                |

- Should the information requested be personal information that **does not** include any information contained within educational records schools can charge £10 to provide it.

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 does not begin until after the fee and any further information to assist you with the request (i.e. about identity) is received.

Requests for information from pupils or parents for access to information classed as being part of the education record must be responded to within **15 school days**.

6. There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. **Therefore all information must be reviewed prior to disclosure.**

7. Responding to a request may involve providing information relating to another individual (a third party). Third party information is that which identifies another pupil/parent or has been provided by another agency, 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 individual involved 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 from KCC Information Resilience & Transparency Team (see contact details below).

10. Where redaction (information edited/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 viewed 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 the applicant has asked for the information to be posted then special next day delivery or recorded delivery postal service 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. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding access to records or the Data Protection Act, then please contact:

Michelle Hunt  
The Information Resilience & Transparency Team  
Kent County Council  
Room 2.71, Sessions House,  
County Hall,  
Maidstone, Kent, ME14 1XQ  
Email: [michelle.hunt@kent.gov.uk](mailto:michelle.hunt@kent.gov.uk)  
Or [dataprotection@kent.gov.uk](mailto:dataprotection@kent.gov.uk)

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.org.uk](http://www.ico.org.uk)