

Harewood Nursery School and Pre-School



Data Protection Policy

School Governor Services

T 01924 305637; E governor@wakefield.gov.uk
Governors' VLE: <http://wakefield.itslearning.com>

www.wakefield.gov.uk

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DATA PROTECTION POLICY

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Last Reviewed:

Reviewer: Resources Committee

Review Cycle: Annual

Introduction

The Data Protection Act 1998 (DPA) is an Act of Parliament of the United Kingdom of Great Britain and Northern Ireland which defines UK law on the processing of data on identifiable living people. It is the main piece of legislation that governs the protection of personal data in the UK.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing 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.

Commitment to the Protection of Personal Information

Our school needs to collect and use certain types of information about people with whom it deals in order to operate effectively. These include pupils, parents, guardians, staff, governors, suppliers and others with whom it communicates. This information is gathered in order to enable us 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.

This personal information must be dealt with properly and securely regardless of what method is used for its collection, recording or use – whether this is paper, a computer system or any other material. There are safeguards to ensure that the processing of such information is carried out in a proper fashion and these are contained in the Act.

This policy does not seek to convey the whole legislation to its readers, rather to acquaint them with the main provisions and to demonstrate that our school has a commitment to those provisions. Further detailed information relating to data protection legislation can be obtained from <https://www.gov.uk/data-protection/the-data-protection-act>

Our school regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions and to maintaining confidence between those with whom we deal and ourselves. We ensure that our school treats personal information lawfully and fairly.

Our Data Protection Standards

Our school is committed to maintaining the 'data protection principles' and will, through appropriate management and adherence to agreed procedures:

- Observe fully the conditions relating to the fair collection and lawful use of personal information;
- Meet its legal obligations to specify the purposes for which the information is used;
- Collect and process appropriate information but only that which is necessary to its operational needs or meet its legal requirements;
- Ensure the accuracy and quality of information used; We will ask people to help us to achieve this by keeping us informed of any changes to the information we hold about them;
- Apply strict checks to determine the length of time information is held and to ensure that it will be disposed of when no longer required with due regard for its sensitivity;
- Ensure that the rights of people about whom information is held can be exercised. These include the right to be informed that processing is being undertaken, the right to access one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong;
- Take appropriate technical and organisational measures to safeguard personal information.

Subject Access Requests

Any person whose details are held by the School is entitled, under the DPA, to ask for a copy of all information held about them (or child for which they are responsible).

A procedure for dealing with subject access requests made under the Data Protection Act 1998 is attached to this policy as appendix 'A'.

Complaints

Complaints will be dealt with in accordance with the school's Complaints Policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

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Appendix 'A'

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Procedure for Dealing with Subject Access Requests Made Under the Data Protection Act 1998

Rights of Access to Information

There are two distinct rights of access to information held by schools:

- Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
- The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a Subject Access Request

- Requests for information must be made in writing (including email) and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
- The identity of the requestor must be established before the disclosure of any information. 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.

- 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.
- 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 dependant upon the number of pages provided. It is free to view the educational record if a copy is not produced.

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- Should the information requested be personal information that does not include any information contained within educational records, schools can charge what it costs to supply a copy (maximum £10).
- The school should respond within 15 school days. 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.
- The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
- 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.
- Any information which may cause serious harm to the physical or mental health or emotional condition of a pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- If there are concerns over the disclosure of information then additional advice should be sought.
- Where redaction (information blacked out/removed) has taken place, a full copy of the information provided should be retained in order that, if a complaint is made, it can be established what was redacted and why.
- 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.
- 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 procedure should be made to the Chair of the Governance Board who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's Complaints Procedure. Complaints which are not appropriate to be dealt with through the school's Complaints Procedure can be dealt with by the Information Commissioner.

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