

Data Handling and Privacy Policy



Mowmacre Hill
Primary School

This policy is reviewed annually by the Advisory Board and was last reviewed in: June 2016

Renewal Date : June 2017

Print Name _____
(Chair of Advisory Board)

Signature _____

1 General Statement of the School's Duties

Mowmacre Hill Primary School is required to process relevant personal data regarding staff, pupils, their parents and guardians. We shall take all reasonable steps to do so in accordance with this policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. Reference to pupils in this policy includes current, past or prospective pupils.

2 The Principles

The school shall so far as is reasonably practicable comply with the Data Protection Principles contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed;
- Processed for specified, lawful purposes;
- Adequate, relevant and not excessive;
- Accurate and kept up to date;
- Not kept for longer than necessary;
- Processed in accordance with the individual's legal data rights;
- Securely protected against unauthorised processing, accidental loss, destruction or damage;
- Not transferred to other countries (especially outside the EU) without adequate protection.

3 Personal Data

Definitions of personal data are highly complex, and it is difficult to define categorically. However, broadly speaking and in day-to-day use, 'personal data' is information which relates to a living, identifiable individual.

In the context of this document and the school's requirement to process 'personal data' as part of its duty of care and to educate its pupils, 'personal data' may include:

- school admission and attendance registers;
- pupil's curricular records;
- reports to parents on the achievements of their children;
- records in connection with pupils entered for prescribed public examinations;
- staff records, including payroll records;
- pupil disciplinary records;
- personal information for teaching purposes;
- records of contractors and suppliers.

4 Processing Personal Data

If it is necessary for the School to process certain personal data to fulfil its obligations to pupils and their parents or guardians then consent is not required. However, any information which falls under the definition of personal data, and is not otherwise exempt (see part 9), will remain confidential. Data will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

5 Sensitive Personal Data

'Sensitive data' may include:

- ethnic or racial origin
- political opinions
- religious beliefs
- other beliefs of a similar nature
- membership of a trade union
- physical or mental health or condition
- sexual life
- offence or alleged offence

- proceedings or court sentence 3

Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will be required in writing.

6 Rights of Access

Individuals have a right of access to information held by the School. Any individual wishing to access their personal data should put their written request to the Data Protection Controller. The School will try to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to reply to an access to information request. Parents and guardians do have right of access to their child's educational record. They should make the request in writing to the School Governors.

It is important to note that certain data is exempt from the right of access under the Data Protection Act. This can include:

- information which identifies other individuals;
- information which the School reasonably believes is likely to cause damage or distress;
- information which is subject to legal professional privilege;
- pupil examination scripts.

The School will also treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However, such a reference will only be disclosed if doing so does not identify the referee or where, notwithstanding this, the referee has given their consent or if disclosure is considered reasonable.

7 Data Rights

Under the Data Protection Act, the rights to the data belong to the individual to whom the data relates. However, in most cases, the School will rely on parental consent to process data relating to pupils unless, given the circumstances and the pupil's age and understanding, it is unreasonable to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted. These situations are very rare, and it is a general policy in the School to always seek parental or guardian consent before processing a child's personal data.

The School is legally required to give a pupil access to their personal data if in the School's reasonable belief the pupil understands the nature of the request and its implications. However, it should be noted that in accordance with Section 30 of the Exemptions to the Data Protection Act 1998, if the School does not consider it appropriate for a pupil to see a particular document which a pupil has asked to see and even obtained a parental request for access to that data, the School can withhold access.

Where a pupil seeks to raise private concerns confidentially with a member of staff and makes it clear they do not want the data passed on to their parents or guardian, **Please note: the School may charge an administration fee of up to £10.00 for providing this information.** The School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the very best interests of the pupil or other pupils.

8 Exemptions

Certain data is exempted from the provisions of the Data Protection Act:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

There are other exemptions under the Act. Requests for further information on exemptions should be made to the School Data Protection Controller.

9 Disclosure of Information

The School confirms that it will not generally disclose information about individuals, unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However, for the following purposes, the school does intend to disclose data as is necessary to third parties:

- To give confidential references for any educational institution which the pupil may wish to attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the School.
- To disclose medical details of a pupil's medical condition where it is in the pupil's interests to do so (eg. to organisers of a school trip).

When the School receives a disclosure request from a third party it will always take action to establish the identity of that third party before making any disclosure. 5

10 Use of Personal Information by the School

As part of the entry procedure into the School at any age, all pupils are asked to sign an agreement giving the School their consent to use their personal data for:

- Use of photographic images in School publications or on the school website.
- Fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School.

11 Accuracy

In accordance with the Data Protection Act 1998 it is School policy to ensure that any personal data held about an individual is accurate. Conversely, the School will seek to encourage all pupils and staff to notify the Data Protection Controller of any changes to information held about them (change of address, change of marital status etc). The School recognises the individual right to request that inaccurate information about them is erased or corrected.

12 Security

Where it is reasonably practicable, the School will take steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held in a secure central location and is not accessible to unauthorised persons.

13 Enforcement

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should make a complaint to the School and notify the Data Protection Controller.