

**Policy On Data Protection: Collection and Retention of and Access to Personal Information (Non-employees)**

Version	Final
Policy Type	Resources Committee
Discussed by staff	June 17
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Next Review	2019

Petersfield Church of England (Aided) Primary School collects and uses information about staff, pupils, parents, Governors, volunteers, contractors and other individuals who come into contact with the school. This information is gathered to enable the school 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.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. The details are then available on the ICO's web-site. The Data Controllers are the Headteachers – Mrs Gwynn and Mrs Penrose. We recognise the need to treat data in an appropriate and lawful manner, in accordance with the Data Protection Act 1998 (DPA). The purpose of this policy is to summarise the information held on pupils, why it is held and the other parties to whom it may be passed on. Schools also have a duty to issue a Fair Processing Notice to all pupils and parents.

**Scope of Policy**

This policy relates to personal information relating to *non-employees* of the school. Our policy on personal information relating to *employees* (including *prospective employees*) is set out in the separate document entitled "Policy on Personal Information (Staff)"

**Purpose of Policy**

This policy is intended to ensure that personal information is dealt with correctly and securely in accordance with the Data Protection Act 1998, and other related legislation. It will apply to all personal 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 information will be made aware of their duties and responsibilities and will be required to adhere to these guidelines.

### **What is personal information?**

Personal information is defined as data which relates to a living individual who can be identified from that data, or other information held.

Indicative examples of personal information

- Name, address, telephone number;
- Race, ethnic origin, or religious or political beliefs or associations;
- Age, sex, sexual orientation, marital status, or family status,
- Any identifying number or symbol;
- Fingerprints, blood type, or inheritable characteristics;
- Medical history;
- Educational, financial, employment or criminal history;
- Personal views or opinions, except if they are about someone else;
- Any third party's opinions about the individual.

### **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<sup>1</sup> 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;

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<sup>1</sup> The Data Protection Act 1998 defines "processing information" as "obtaining, recording or holding the information or data or carrying out any operations or set of operations on the information or data, including organisation, adaptation or alteration of the information or data, retrieval, consultation or use of information or data, disclosure of the information or data by transmission, dissemination or otherwise making available, or alignment, combination, erasure, blocking or destruction of information or data."

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:

1. Inform individuals why the information is being collected at the time it is collected;
2. Inform individuals when their information is shared, why and with whom it was shared;
3. Check the quality and the accuracy of the information it holds;
4. Ensure that information is not retained for longer than is necessary;
5. Ensure that when obsolete information is destroyed that this is done appropriately and securely;
6. 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;
7. Share information with others only when it is legally appropriate to do so;
8. Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as "Subject Access Requests" (see Appendix 1);
9. Ensure our staff are aware of and understand our policies and procedures.

### **Complaints**

Complaints about our handling of personal information will be dealt with in accordance with the school's complaints policy. (Note, however, that data subjects have the right to refer any complaints about our handling of personal data, or access to personal data directly to the Office of the Information Commissioner without reference to the school).

### **Review**

This policy will be reviewed as necessary to ensure compliance with legal requirements, and no less frequently than every 3 years. This policy review will be undertaken by the Head Teacher and the Resources Committee.

### **Enquiries**

If you have any enquiries in relation to this policy, please contact the Head Teachers (Data Controllers) [head@petersfield.cambs.sch.uk](mailto:head@petersfield.cambs.sch.uk), 01223 207382.

### **Further information**

Further advice and information is available from the Office of the Information Commission, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 5457453.

**Reviewed:** Resources Committee 12th April 2016

**Due for Review:** 2019

Full consideration has been given to Safeguarding (child protection), Inclusion & Equality and Access in the preparation of this policy.

## **Appendix 1**

### **Procedures for responding to Subject Access Requests made under the Data Protection Act 1998**

#### **A. 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 in the Education (Pupil Information) (England) regulations 2005.

These procedures in Part B below relate to subject access requests made under the Data Protection Act 1998.

#### **B. Actioning a Subject Access Request**

1. Before making your request for information please check whether the information you are looking for is already available for example on our website <http://www.petersfield.cambs.sch.uk>. Requests for information must be made in writing; which includes email, and be addressed to The Head Teacher. 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 information, and, where a request is made by a parent or guardian of a pupil, checks should also be carried out regarding proof of relationship to the relevant child. Evidence of identity can be established by requesting production of
  - a. A passport
  - b. Driving licence

- c. Utility bills with current address
- d. Birth/marriage certificate
- e. P45/P60
- f. Credit card or mortgage statement

[Note: 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 their request. In cases of an application by a child, the Head Teacher should discuss the request with the child and take their views into account when making a decision. Where the data subject is a primary school age child, the appropriate person to make an application for access to personal information relating to that child is the person with *primary* parental responsibility for that child. Any application for access to personal information by any other person will be refused unless there is a positive and unequivocal legal obligation to disclose that information.
4. The school may make a charge for the provision of information dependant on the following:
  - Should the information requested contain the educational record, then the amount charged will be dependent upon the number of pages provided;
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it;
  - 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 by the Head Teacher.

### **C. Response Times**

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 any *necessary* clarification of information sought and obtained.

The response time for records containing solely educational information is **15 school days**. Weekends or school holidays are not treated as school days. The 15 day period will not commence until after the receipt of fees or any *necessary* clarification is sought and obtained.

#### **D. IMPORTANT: Exemptions from obligations to provide access**

1. The Data Protection Act 1998 allows exemptions from requirements to provide access to information **therefore all information will be reviewed against these exemptions prior to disclosure.**
2. 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, however, a need to adhere to the 40 day statutory timescale.
3. Any information, the disclosure of which carries the risk of serious harm to the physical or mental health or emotional condition of the pupil or any other person should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
4. If there are concerns over the disclosure of information then additional advice should be sought.
5. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to be established, in the event that a complaint is made, what was redacted and why. As far as possible, the requestor should be given an explanation as to why the information was removed (e.g. the information related to another child).
6. Information disclosed should be clear. Therefore, 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.