



# **Data Protection Policy**

**May 2015**

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## **Data Protection Policy Details**

**Teacher Responsible:** Mrs Angela Macvie

**Ratified by Governing Body on:**

**Next review date:** March 2018

### **1. Introduction**

- 1.1. The Data Protection Act 1998 is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data.
- 1.2. This policy is intended to ensure that personal information is dealt with correctly, securely and in accordance with the Data Protection Act 1998. It will apply to information regardless of the way in which it is collected, used, recorded, stored and destroyed. The policy will also apply irrespective of whether the information is held in paper files or electronically.
- 1.3. Chadsgrove School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. Personal information is any information that relates to a living individual who can be identified from the information. It also applies to personal data held visually in photographs, video clips (including CCTV) or as sound recordings.
- 1.4. Personal information is gathered in order to enable the school to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information in order to ensure that the school complies with its statutory obligations.
- 1.5. Chadsgrove School regards the lawful and correct treatment of personal information as very important in order to secure the successful carrying out of its' operations, the delivery of its' services, and to maintain confidence with those whom it deals. The school wishes to ensure that it treats personal information lawfully, correctly and in compliance with the 1998 Act.

### **2. Definitions**

2.1. Definitions used within this policy are as follows:

- **Data Controller**  
Any individual or organisation who controls personal data - in this instance, Chadsgrove School.
- **Personal Data**  
Information held on a relevant filing system, accessible record or computerised record (as well as digital audio or video equipment), which relates to a living individual who can be identified.
- **Sensitive Personal Data**  
Personal data relating to an individual's race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life and criminal activity
- **Data Subject**  
An individual who is the subject of the personal data, for example, employees or pupils.
- **Processing**  
Obtaining, recording or holding data or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting, using, disclosing, disseminating, aligning, blocking, erasing or destroying the data.
- **Accessible Records**  
Any records which are kept by an organisation as part of its' statutory duty, for example, pupil records.
- **Parent**

Has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

### **3. Main Provisions of the Data Protection Act 1998**

3.1. The Data Protection Act 1998 Act is based on eight data protection principles, or rules for 'good information handling':

- Data must be processed fairly and lawfully.
- Personal data shall be obtained only for one or more specific and lawful purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subjects under the 1998 Data Protection Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

### **4. Responsibilities**

4.1. Chadsgrove School handles and stores information about identifiable, living people and, as such, is legally obliged to protect that information. Under the Data Protection Act, the school acknowledges that that it must:

- only collect information that is needed for a specific purpose;
- keep it secure;
- ensure it is relevant and up to date;
- only hold as much as is needed, and only for as long as it is needed

4.2. The Head Teacher and Governors of Chadsgrove School intend to comply fully with the requirements and principles of the Data Protection Act 1998. In addition, all staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

4.3. Chadsgrove School has a duty to be registered, as a Data Controller, with the Information Commissioner's Office (ICO). The registration details the information that the school holds and how it is processed. Registration for Chadsgrove School occurs in October each year and information regarding the registration that the school holds is available on the ICO's website (Register Entry Z7120454). The current notification can also be seen in Appendix 1.

4.4. Chadsgrove also has a duty to issue a Fair Processing Notice to all pupils/parents which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

## **5. Information Security Risk Management**

5.1. Data Handling Procedures in Government (2008) highlights two roles that have responsibility for information security risk management and these have been adopted by Chadsgrove School:

### **Senior Information Risk Owner (SIRO)**

5.2. The Senior Information Risk Owner (SIRO) is a senior member of staff who is familiar with information risks and the organisation's response. This role is currently allocated to Deb Rattley, Head Teacher. The SIRO has the following responsibilities:

- They own the information risk policy and risk assessment
- They appoint the Information Asset Owners (IAOs)
- They act as an advocate for information risk management.

### **Information Asset Owner (IAO)**

5.3. It is recognised that Chadsgrove needs to identify its information assets. This will include the personal data of learners and staff, medical information and special educational needs data. Information assets also include non-personal data that could be considered sensitive if lost or corrupted, such as financial data, commercial data, research data, organisational and operational data, and correspondence.

5.4. The 'value' of an asset is determined by considering the consequences likely to occur if it is lost or compromised in anyway, such as identity theft, adverse publicity or breaches of statutory/legal obligations.

5.5. Chadsgrove has identified an Information Asset Owner (IAO) for each asset or group of assets as appropriate and this can be seen in Appendix 7. The role of an IAO is to understand:

- what information is held, and for what purposes
- how information will be amended or added to over time
- who has access to the data and why
- how information is retained and disposed of

5.6. All staff will receive data handling awareness / data protection training and will be made aware of their responsibilities through

- Information in their induction pack
- Staff meetings / briefings
- Day to day support and guidance from the Information Asset Owners

5.7. Although explicit roles have been identified, it is recognised that the handling of secured data is everyone's responsibility and failure to apply appropriate controls to secure data could result in disciplinary action.

## **6. Impact Levels and Protective Markings**

6.1. The protective marking and Impact Levels, as issued by the Government, can be found in Appendix 6.

6.2. Most pupil or staff personal data that is used within educational institutions will come under the PROTECT classification. However some, for example the home address of a child at risk will be marked as RESTRICT

6.3. The school will ensure that all school staff, independent contractors working for it, and delivery partners, comply with restrictions applying to the access to, handling and storage of data classified as Protect, Restricted or higher. Unmarked material is considered 'unclassified'. The term

UNCLASSIFIED or NOT PROTECTIVELY MARKED may be used to indicate positively that a protective marking is not needed.

6.4. All documents that contain protected or restricted data will be labelled clearly with the impact level

## **7. Compliance with Principle 1 – Processing Personal Data Fairly and Lawfully**

7.1. The 1998 Act states that “Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –  
(a) at least one of the conditions in Schedule 2 is met, and  
(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met”  
Schedules 2 and 3 can be found in Appendix 3.

7.2. As such, Chadsgrove School will:

- have legitimate grounds for collecting and using personal data
- not use data in ways that have unjustified adverse effects on the individuals concerned
- be transparent about how it intends to use the data, and give individuals appropriate privacy notices when collecting their personal data. The Privacy notice issued to pupils can be found in Appendix 2
- handle people’s personal data only in ways they would reasonably expect
- make sure it does not do anything unlawful with the data

## **8. Compliance with Principle 2 – Processing Personal Data for Specified Purposes**

8.1. The 1998 Act states that “Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes”.

8.2. As such, Chadsgrove School will:

- be clear from the outset about why it is collecting personal data and what it intends to do with it
- comply with the Act’s fair processing requirements – including the duty to give privacy notices to individuals when collecting their personal data (see Appendix 2)
- comply with what the Act says about notifying the Information Commissioner (see Appendix 1)
- ensure that if it wishes to use or disclose the personal data for any purpose that is additional to or different from the originally specified purpose, the new use or disclosure is fair

## **9. Compliance with Principle 3 – The Amount of Data Held**

9.1. The 1998 Act states that “Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.”

9.2. As such, Chadsgrove School will ensure that:

- personal data that is held about an individual is sufficient for the purpose that it is being held for in relation to that individual
- it does not hold more information than it needs for that purpose
- it checks records regularly for missing, irrelevant or seemingly excessive information and contact data subjects, if necessary, to verify certain items of data

## **10. Compliance with Principle 4 – Keeping Personal Data Accurate and Up to Date**

10.1. The 1998 Act states “Personal data shall be accurate and, where necessary, kept up to date”.

10.2. As such, Chadsgrove School will:

- take reasonable steps to ensure the accuracy of any personal data it obtains
- ensure that the source of any personal data is clear
- carefully consider any challenges to the accuracy of information
- consider whether it is necessary to update the information
- update it's computer record, as soon as is practicable, if a data subject informs the school of a change of circumstances and the school feels that it is necessary to update the information
- provide a printout of their data record to data subjects (or their parents, in the case of pupils) every twelve months so that they can check its accuracy and make any amendments.

10.3. Where a data subject challenges the accuracy of their data, Chadsgrove School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, Chadsgrove School shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. 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.

## **11. Compliance with Principle 5 – Retaining Personal Data**

11.1. The 1998 Act states that “Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes”

11.2. As such, Chadsgrove School will:

- review the length of time that it keeps personal data – see Appendix 4
- consider the purpose or purposes that it holds the information for in deciding whether (and for how long) to retain it
- securely delete information that is no longer needed
- update, archive or securely delete information if it goes out of date

## **12. Compliance with Principle 6 – The Rights of Individuals**

12.1. The 1998 Act states that “Personal data shall be processed in accordance with the rights of data subjects under this Act”. The rights referred to, in the Act, are:

12.2. A right of access to a copy of the information comprised in their personal data

- In order to ensure that people only receive information about themselves Chadsgrove School will make sure that a formal system of requests is in place.
- Any requests for access must be made in writing and by completing a Data Subject Access Form (see Appendix 5)
- Pupils, parents or staff may ask for a Data Subject Access form, available from the School Office. Completed forms should be submitted to the Head Teacher.
- If the request is from a pupil, the request will be processed as any subject access request 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.
- If the request is from a pupil who does not appear to understand the nature of the request will be referred to their parents or carers.

- If the request is 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.
- 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.

#### 12.3.A right to object to processing that is likely to cause or is causing damage or distress

- This means that individuals can ask Chadsgrove School not to process information about them that causes substantial and unwarranted damage or distress. Chadsgrove School is not always bound to act on the request

#### 12.4.A right to prevent processing for direct marketing

- Chadsgrove School is required not to process information about individuals for direct marketing if asked not to. However, it must be noted that Chadsgrove School does not pass on information to any other organisations for the purposes of direct marketing

#### 12.5.A right to object to decisions being taken by automated means

- This means that, in some circumstances individuals can object to the organisation making significant decisions about them where this decision is completely automated. However, again it must be noted that Chadsgrove School does not engage in such practices

#### 12.6.A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed

- This allows individuals to apply to a court to order an organisation to correct, block, remove or destroy personal details of they are inaccurate or express an opinion based on incorrect information

#### 12.7.A right to claim compensation for damages caused by a breach of the Act

- This allows individuals to claim compensation through the courts from a data controller for damage and, in some cases, distress caused by any breach of the Act

### 13. Compliance with Principle 7 – Information Security

13.1. The 1998 Act states that “Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data”.

13.2. As such, Chadsgrove School will:

- design and organise its security to fit the nature of the personal data it holds and the harm that may result from a security breach
- be clear about who in the organisation is responsible for ensuring information security
- make sure it has the right physical and technical security, backed up by robust policies and procedures and reliable, well-trained staff



- be ready to respond to any breach of security swiftly and effectively

13.3. Data security is covered more depth in the School Systems and Data Security Policy document but briefly comprises:

- Physical security – ensuring the protection of information by storing it securely and restricting access to it
- Logical security – ensuring the protection of information by protecting computer files using security software, back up procedures, passwords and restricting network access to machines that hold personal data
- Procedural security – ensuring that those staff who are able to access personal data are authorised to access it and are appropriately trained and that personal data is disposed of safely and securely

#### **14. Compliance with Principle 8 – Sending Personal Data Outside of the European Economic Area**

14.1. The 1998 Act states that “Personal data shall not be transferred to a country or territory outside the EEA unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data”.

14.2. As such, Chads Grove School will:

- ensure that no data that specifically identifies an individual will be uploaded onto the school website, for example, an individual’s name alongside their photograph, unless they (or their parents in the case of pupils at the school) have specifically consented for this to happen
- ensure that any cloud services that are used are based in the European Economic Area
- ensure that data on cloud applications is only available to those with an appropriate logon username and password

#### **15. Authorised disclosures**

15.1. The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which any individual authorised by the school may need to disclose data without explicit consent for that occasion. Information will only be shared with others when it is legally appropriate to do so.

15.2. 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 a 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, for example, in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system.

#### **16. Resources**

16.1. In order to support Chads Grove School with the complexities of dealing with the Data Protection Act, several support documents, produced by the Information Commissioners Office, are available to school staff and Governors. These are held centrally in the school office. These include:

- The Guide to Data Protection
- Data Sharing Code of Practice
- Data Sharing Checklist
- Upholding Information Rights For All
- Freedom of Information and Environmental Information Regulations
- A Brief Guide to Notification
- Your Guide to Openness
- Privacy Notices Code of Practice

## **Appendices**

1. Notification to the Information Commissioner's Office
2. Privacy (Fair Processing) Notices
3. Schedules 2 and 3 of the Data Protection Act 1998
4. Retention of Records
5. Data Subject Access Form - Access to Personal Data Request Form
6. Impact Levels and Protective Markings
7. Information Assets

## Appendix 1 – Notification to the Information Commissioner's Office

Information Commissioners - Data Protection Register - Entry Details

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**Registration Number:** Z7120454

**Date Registered:** 15 October 2002    **Registration Expires:** 14 October 2015

**Data Controller:** CHADSGROVE SCHOOL

**Address:**

MEADOW ROAD  
CATSHILL  
BROMSGROVE  
WORCESTERSHIRE  
B61 0JL

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**This data controller states that it is a public authority under the Freedom of Information Act 2000 or a Scottish public authority under the Freedom of Information (Scotland) Act 2002**

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**This register entry describes, in very general terms, the personal data being processed by:**

CHADSGROVE SCHOOL

**Nature of work - School**

**Description of processing**

The following is a broad description of the way this organisation/data controller processes personal information. To understand how your own personal information is processed you may need to refer to any personal communications you have received, check any privacy notices the organisation has provided or contact the organisation to ask about your personal circumstances.

**Reasons/purposes for processing information**

We process personal information to enable us to:

- provide education, training, welfare and educational support services
- administer school property
- maintain our own accounts and records

<https://ico.org.uk/ESDWebPages/DoSearch>

18/03/2015

carry out fundraising

support and manage our employees

We also use CCTV systems to monitor and collect visual images for security and the prevention of crime.

### **Type/classes of information processed**

We process information relating to the above reasons/purposes. This information may include:

- name and personal details
- family, lifestyle and social circumstances
- financial details
- education details
- employment details
- student and disciplinary records
- vetting checks
- goods and services
- visual images, personal appearance and behaviour

We also process sensitive classes of information that may include:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs of a similar nature
- trade union membership
- sexual life
- offences and alleged offences

### **Who the information is processed about**

We process personal information about:

- our students and pupils
- advisers and other professional experts
- school staff
- members of school boards
- donors and potential donors
- suppliers
- complainants and enquirers
- individuals captured by CCTV images

### **Who the information may be shared with**

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. Where this is necessary we are required to comply with all aspects of the Data Protection Act (DPA). What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- education, training, careers and examining bodies
- school staff and boards
- family, associates and representatives of the person whose personal data we are processing
- local and central government
- healthcare professionals
- social and welfare organisations
- police forces
- courts
- current, past or prospective employers
- voluntary and charitable organisations
- business associates and other professional advisers
- suppliers and service providers
- financial organisations
- security organisations
- press and the media

### Transfers

It may sometimes be necessary to transfer personal information overseas. When this is needed information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with all aspects of the data protection act.

### Statement of exempt processing:

This data controller also processes personal data which is exempt from notification

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## Appendix 2 – Privacy Notice

### CHADSGROVE SCHOOL & SPECIALIST SPORTS COLLEGE

#### PRIVACY NOTICE

for

*Pupils in Schools  
and Children in Early Years Settings*

#### Privacy Notice - Data Protection Act 1998

We, Chadsgrove School, are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.
- Support a Young Person in their transition to a Post-16 Provider of Education or Training.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information<sup>1</sup> and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

#### In addition for Secondary and Middle deemed Secondary Schools

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the names and addresses of you and your parent(s), and any further information relevant to the support services' role. We may also share data with post 16 providers to secure appropriate support on entry to post 16 provision.

However parent(s) can ask that no information beyond names, addresses and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please tell Jacqueline Pitt, School Business Manager, if you wish to opt out of this arrangement. For more information about young people's services, please go to the National Careers Service page at <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>

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<sup>1</sup> Attendance information is **NOT** collected as part of the Censuses for the Department for Education for the following pupils / children - a) in Nursery schools; b) aged under 4 years in Maintained schools; c) in Alternative Provision; and d) in Early Years Settings. This footnote can be removed where Local Authorities collect such attendance information for their own specific purposes.

***We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.***

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE).

If you want to see a copy of the information about you that we hold and/or share, please contact Jacqueline Pitt

Your attention is drawn to the full text version of this Privacy Notice on Worcestershire County Council's website.  
<http://www.worcestershire.gov.uk/cms/school-information-for-parents/policy-and-guidance.aspx>

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

<http://www.worcestershire.gov.uk> and use the search function to look up privacy notices.

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- Performance Development Team  
Worcestershire County Council  
Children's Services  
County Hall  
Worcestershire County Council  
WR5 2YA  
Email: [dprice@worcestershire.gov.uk](mailto:dprice@worcestershire.gov.uk)  
Telephone: 01905 728848
  
- Public Communications Unit  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
Website: [www.education.gov.uk](http://www.education.gov.uk)  
email: <http://www.education.gov.uk/help/contactus>  
Telephone: 0370 000 2288



## **Appendix 3a - Data Protection Act 1998**

### **SCHEDULE 2 CONDITIONS RELEVANT FOR PURPOSES OF THE FIRST PRINCIPLE: PROCESSING OF ANY PERSONAL DATA**

- 1 The data subject has given his consent to the processing.
- 2 The processing is necessary—
  - (a) for the performance of a contract to which the data subject is a party, or
  - (b) for the taking of steps at the request of the data subject with a view to entering into a contract.
- 3 The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
- 4 The processing is necessary in order to protect the vital interests of the data subject.
- 5 The processing is necessary—
  - (a) for the administration of justice,
  - (aa) for the exercise of any functions of either House of Parliament,
  - (b) for the exercise of any functions conferred on any person by or under any enactment,
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or
  - (d) for the exercise of any other functions of a public nature exercised in the public interest by any person.
- 6
  - (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.
  - (2) The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

## **Appendix 3b - Data Protection Act 1998**

### **SCHEDULE 3 CONDITIONS RELEVANT FOR PURPOSES OF THE FIRST PRINCIPLE: PROCESSING OF SENSITIVE PERSONAL DATA**

- 1 The data subject has given his explicit consent to the processing of the personal data.
- 2 (1) The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.  
(2) The Secretary of State may by order—
  - (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.
- 3 The processing is necessary—
  - (a) in order to protect the vital interests of the data subject or another person, in a case where—
    - (i) consent cannot be given by or on behalf of the data subject, or
    - (ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or
  - (b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.
- 4 The processing—
  - (a) is carried out in the course of its legitimate activities by any body or association which—
    - (i) is not established or conducted for profit, and
    - (ii) exists for political, philosophical, religious or trade-union purposes,
  - (b) is carried out with appropriate safeguards for the rights and freedoms of data subjects,
  - (c) relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and
  - (d) does not involve disclosure of the personal data to a third party without the consent of the data subject.
- 5 The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.
- 6 The processing—
  - (a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),
  - (b) is necessary for the purpose of obtaining legal advice, or
  - (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.
- 7 (1) The processing is necessary—
  - (a) for the administration of justice,
  - (aa) for the exercise of any functions of either House of Parliament
  - (b) for the exercise of any functions conferred on any person by or under an enactment, or
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department.

(2) The Secretary of State may by order—

  - (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or

(b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

- 7A (1) The processing—  
(a) is either—  
(i) the disclosure of sensitive personal data by a person as a member of an anti-fraud organisation or otherwise in accordance with any arrangements made by such an organisation; or  
(ii) any other processing by that person or another person of sensitive personal data so disclosed; and  
(b) is necessary for the purposes of preventing fraud or a particular kind of fraud.  
(2) In this paragraph “an anti-fraud organisation” means any unincorporated association, body corporate or other person which enables or facilitates any sharing of information to prevent fraud or a particular kind of fraud or which has any of these functions as its purpose or one of its purposes.
- 8 (1) The processing is necessary for medical purposes and is undertaken by—  
(a) a health professional, or  
(b) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.  
(2) In this paragraph “medical purposes” includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services.
- 9 (1) The processing—  
(a) is of sensitive personal data consisting of information as to racial or ethnic origin,  
(b) is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and  
(c) is carried out with appropriate safeguards for the rights and freedoms of data subjects.  
(2) The Secretary of State may by order specify circumstances in which processing falling within sub-paragraph (1)(a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1)(c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

## Appendix 4 – Retention of Records

The following information is taken from the Records Management Society of Great Britain's Retention Guidelines for Schools, Version 3 document.

The retention schedule contains recommended retention periods for the different record series created and maintained by schools in the course of their business. The schedule refers to all information regardless of the media in which it is stored.

The retention schedule is a large document and a copy of the full version is held in the school office. For the purpose of this policy, key retention periods only are outlined below. This list is not exhaustive and, if in doubt, the full document should be consulted:

Type of Personal Information	Retention Period
Child protection files	DOB + 25 years and then shred
Allegations of a child protection nature against a member of staff	Until the persons normal retirement age or 10 years from the date of the allegation, whichever is the longer and then shred
Governors minutes that contain personal/sensitive data	Date of meeting + 3 years and then shred
Governors complaints files	Date of resolution of complaint + 6 years and then shred if not contentious
Log books	Date of last entry in the book + 6 years and then transfer to archives
Minutes of SLT	Date of meeting + 5 years and then transfer to archives
Records created by head teachers, deputies and other members of staff with admin responsibilities	Closure of file + 6 years and then shred
Admissions	Admission + 1 year and then shred
Professional development plans	Closure + 6 years and then shred
Attendance registers	Date of register + 3 years and then shred/destroy electronic copy
Pupil record cards	DOB of the pupil + 25 years and then shred. Transfer to new school of necessary
Pupil files	DOB of the pupil + 25 years and then shred. Transfer to new school of necessary
SEN files, reviews and IEP's	DOB of the pupil + 25 years and then shred. Transfer to new school of necessary
Statement of SEN	DOB of the pupil + 30 years and then shred unless legal action is pending. Transfer to new school of necessary
Examinations results	Year of examination + 6 years and then shred
SATs records	Current year + 6 years and then shred
Sick pay	Current year + 6 years and then shred
Staff personal files	Termination + 7 years and then shred
Interview notes and recruitment records	Date of interview + 6 months and then shred
Pre-employment vetting information	Date of check + 6 months and then shred
Disciplinary proceedings	Date of warning + 6-18months, depending upon type of warning and then shred
Annual appraisal records	Current year + 5 years and then shred

Accident reporting – adult	Date of incident + 7 years and the shred
Accident reporting – child	DOB + 25 years and then shred
Incident reports	Current year + 20 years and then shred

## Appendix 5 - Access to Personal Data Request Form

Data Protection Act 1998 Section 7.

Enquirer's Surname.....Enquirer's Forenames.....

Enquirer's Address .....

.....

.....

Enquirer's Postcode ..... Telephone Number .....

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

.....

Are you the person who is the subject of the records you are enquiring about? YES / NO

If NO, Do you have parental responsibility for the child who is the "Data Subject" of the records you are enquiring about? YES / NO

Description of Concern / Area of Concern

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

Additional information.

### 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.

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

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

Date .....

## Appendix 6 - Impact Levels and Protective Marking

Impact level	Marking	Colour Code	
IL0	Not Protectively Marked		Newsletters, public information, school terms, holidays, training days, the curriculum, extra-curricular activities, events, displays of pupils work, lunchtime menus, extended services, parent consultation events general, anonymous alerts about schools closures or transport arrangements
IL1	Unclassified		Generic letters to parents containing no personal data, attendance, behavioural, achievement, sickness, school closure, transport arrangements and other information that it may be important to inform or contact a parent about.
IL2	PROTECT		Basic student information such as name and address, individual pupil / student academic, social and behavioural achievements, progress with learning, learning behaviour, how parents can support their child's learning, assessments, attainment, attendance, individual and personalised curriculum and educational needs.
IL3	Restricted		Sensitive Student information such as ethnicity or FSM In addition, there may be students/ pupils whose personal data requires a RESTRICTED marking (Impact Level 3) or higher. For example, the home address of a child at risk.
IL4	Confidential		Highly sensitive student data relating to child protection

## Appendix 7 – Information Assets

Risk ID	Information Asset	Information Asset Owner	Protective Marking (Impact Level)	Information accessible to	Overall risk level (low, medium, high)
	<b>Pupil data (MIS)</b>				
	Core pupil data	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	Attendance	Deb Rattley,	IL2	office administrators/SAO	Teaching and learning /statutory returns
	SEN	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	EAL	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	Exclusion, behaviour	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	Reports and assessments	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	Exam Data	Angela Macvie,	IL2	office administrators /Exams Officer	Teaching and learning /statutory returns
	Tagged (named) student photos	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	Child protection data	Deb Rattley,	IL3	Head(DSL)/Deputy DSL/SLT	Teaching and learning /statutory returns
	<b>Staff data (MIS)</b>				
	Core staff data sets	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	Training and absence data	Deb Rattley,	IL2	office administrators/SLT	Teaching and learning /statutory returns
	<b>Finance system</b>				
	Purchase Orders, Invoices, Payments	Deb Rattley,	IL2	office administrator/SLT	Sound financial management
	Approvals and budget setting	Deb Rattley,	IL2	office administrator/Head	Sound financial management
	<b>Access control / passwords</b>				
	Authorise data access / Nominated Contacts	Deb Rattley,	IL2	Head	Access to system(s)
	Password to DfE or LA systems	Deb Rattley,	IL2	Head	Access to system(s)
	Network administration / password lists	Angela Macvie,	IL2	ICT Lead	Access to system(s)
	Email management	Angela Macvie,	IL2	ICT Lead	Access to system(s)
	Web filtering management	Capita IBS Schools	IL2	Capita IBS Schools	Access to system(s)
	Learning Platform password information	Angela Macvie,	IL2	ICT Lead	Access to system(s)
	<b>Disaster recovery</b>				



	Parental messaging system information	Angela Macvie,	IL2	office administrator/SLT	Business Continuity / communication
	Access to back-up tapes (where on site)	Angela Macvie,	IL2	ICT Lead/Capita IBS	Business Continuity / communication
	<b>Other potentially sensitive material</b>				
	Tagged (named) student photos (not in MIS)	Deb Rattley,	IL2	Class teachers and Teaching Assistants	Teaching and learning /statutory returns
	Early Years assessment system (not in MIS)	Angela Macvie,		EYFS teachers/SLT	Teaching and learning /statutory returns
	Other personnel data (not in MIS)	Deb Rattley,	IL2	SLT	Business Continuity / communication
	Learning Platform administration	Angela Macvie,	IL2	Class teachers/ LP administrators	Teaching and learning /statutory returns
	School website administration	Angela Macvie,	IL2	Office administrators/SLT	Business Continuity / communication
	Some Governors' documents	Jacqueline Pitt,	IL2	Head / Clerk to Governors	Business Continuity / communication
	Performance management / capability papers	Deb Rattley,	IL2	Head	Teaching and learning /statutory returns
	Student medical reports / social service reports	Deb Rattley,	IL2	Head / School Nurse / SLT/ class teacher	Teaching and learning /statutory returns
	Information sent to parents	Deb Rattley,	IL1	Head / SLT / Class teachers	Business Continuity / communication