



DATA PROTECTION AND FREEDOM OF INFORMATION POLICY

Data Protection and Freedom of Information Policy for St Mary's C.E. School

**Approved by Safety and Community Committee:
Date next review:**

**Autumn 2016
Autumn 2018**

PURPOSE

The storage, use and controlled publication of information is an important aspect of the work of St Mary's CE Primary School. This policy covers:

- Protection of confidential information on staff and students in line with the Data Protection Act 1998 (DPA)
- Personal Data handling and protection arrangements
- To satisfy the legal obligation to supply certain information to enquirers under the Freedom of Information Act 2000 (FOIA)
- The length of time that different classes of document will be retained.

POLICY STATEMENT

St Mary's CE Primary School will:

- Protect the right of school personnel to privacy
- Allow St Mary's Primary School staff and students their right of access to their personal data in line with the Data Protection Act 1998 (DPA)
- Meet its legal obligation to supply certain information to enquirers under the Freedom of Information Act 2000 (FOIA) and keep the scope and accuracy of this information under review
- Be clear and proactive about the information it makes public
- Comply with relevant statutory or regulatory requirements for retention of personal data
- Minimise unnecessary retention of personal data.

DEFINITIONS

For the purposes of this policy:

- Personal data means any information from which, either alone or in conjunction with other information held by the Data Controller, a living individual can be identified and which is held in certain formats.
- Data Controller means the person who, either alone or jointly with others, determines the purposes for which and the manner in which any personal data are processed.
- Processing of personal data means anything the school may do with personal data including obtaining, recording, sharing, storing, reading, amending and destroying it.

RESPONSIBILITIES

St Mary's CE Primary School will:

- Comply with the legal requirements under the Data Protection Act 1998 (DPA) and Freedom of Information Act (FOIA)
- Register with the Information Commissioner's Office
- Delegate powers and responsibilities to the Information Controller for St Mary's CE Primary School
- Have responsibility for the effective implementation, monitoring and evaluation of this policy.

The Information Controller will:

- Ensure that St Mary's CE Primary School complies with the DPA and the eight data protection principles set out in the DPA

- Be the Data Controller within the meaning of the DPA
- Put procedures in place to manage and respond to requests for access to personal data under the DPA or for information requested under the FOIA
- Ensure security measures and confidential systems are in place to protect personal data and other student records
- Ensure that data required for Business Continuity is identified and implement procedures to ensure safe keeping of both electronic and paper records should a physical or electronic disaster occur that could risk loss of this data
- Ensure that St Mary's CE Primary School staff are aware of their rights and their responsibilities in relation to the processing of personal data and other confidential information
- Ensure that all personal data is accurate and that inaccurate data is corrected or erased and manage the disposal of documents as laid out in this policy.

Staff will:

- Follow the safe and confidential system procedures that are in place to protect personal data and other student records
- If a breach in data security occurs, report it to the Data Controller immediately. Procedures shall be implemented to address the breach of data security and prevent future breaches of security
- If they choose to do so, apply in writing for access to their personal data
- Comply and respect confidentiality of personal data and other personal information when involved with interviewing new school personnel
- Inform the school of any changes to their personal data held by the school.

1. DATA PROTECTION

1.1 Principles

The DPA applies to anyone who handles or has access to personal data about individuals and gives rights to the individuals on whom the personal data is held. By law, employers and employees must follow the rules set out in the DPA and help to protect individuals' rights to data privacy. The DPA seeks to ensure that information held on computers and in some paper-based systems is managed properly. Employers and employees must protect personal data by following the eight data protection principles of good practice. St Mary's CE Primary School recognises that personal data is often confidential and that unauthorised disclosure of personal data can be a breach of the DPA.

The eight principals of the data protection under the DPA can be summarised as an organisation and its personnel who process personal data must make sure that it is:

- Fairly and lawfully processed
- Processed for specified and lawful purposes
- Adequate, relevant and not excessive
- Accurate and where possible kept up to date
- Not kept for longer than is necessary
- Processed in line with the right of the individuals whose personal data it is
- Kept securely
- Not be transferred to countries outside the European Economic Area without adequate protection of the rights of the individuals whose personal data it is.

St Mary's CE Primary School will review the data which it holds using the ICO's Checklist contained in Appendix B.

1.2 Security Measures

St Mary's CE Primary School will conduct a regular review of the security of all personal data in line with the good practice in the Information Commissioner's Office (ICO) Data Protection Good Practice Note "Security of personal information".

The measures put in place will ensure that computers and servers comply with appropriate regulations and are secure with:

- Anti-virus software
- Firewall software
- Passwords
- Encryption – as deemed necessary

St Mary's CE Primary School personnel are trained to:

- Be discreet and maintain confidentiality of personal data and other personal information
- Consider the safe and secure positioning of computers
- Back up data
- Turn off computers when not in use
- Remember password access
- Lock filing cabinets and doors to offices
- Prepare confidential material for collection and disposal
- Clear their desk before leaving work

1.3 Rights of Individuals

Individuals have the right:

- To know what personal data St Mary's CE Primary School holds about them on computer systems (and other non-automated in some circumstances)
- To know what personal data and when that personal data is being processed, the purposes for which it is being processed and if it is being disclosed the name of the person or organisation receiving the personal data.
- To receive a copy of their personal data
- To ask St Mary's CE Primary School not to process data which could cause them or another damage or distress
- To go to court to correct, block, remove or destroy inaccurate personal data
- To stop personal data being processed for direct marketing

1.4 Data Protection and Staff

St Mary's CE Primary School will comply with the good practice contained in ICO's Employment Practices Code.

All requests from school personnel for access to their own personal data must be made in writing and sent to the Data Controller. Provided:

- The request for personal data contains sufficient information so the Data Controller can be satisfied as to the identity of the person making the request and can locate the personal data the individual is seeking; and
- The Data Controller receives the required fee from the individual (currently £10), then responses to requests for access to personal data will be made within reasonable time and no more than 40 days from receipt of the necessary information and fee.
- Personal data cannot be disclosed to a third party without the consent of the individual whose data it is except when such disclosure is legally permitted.

1.5 Educational records and Pupils

Pupils, and in some cases parents, have a right of access to educational records about the pupil. St Mary's CE Primary School will comply with the provisions of the DPA and the related technical guidance "Access to pupils' information held by schools in England". Educational records for these purposes includes information that comes from a teacher or other employee of the school, the pupil or the parent and is processed by or for the teacher or school or Governing Body, except for information the teacher has solely for their use. Individuals are not entitled to examination results until they have been released. Requests for educational records must be made to the Headteacher of St Mary's CE Primary School and a response should be received within 15 school days. If a copy is required the school may charge what it costs to provide that copy.

There may be circumstances in which the school can deny access to educational records e.g. where the information may cause serious harm to the physical or mental health of the pupil or another.

Any decision to publish student examination results will be in line with the ICO Good Practice Note "Publication of examination results by schools".

1.6 Data protection and Pupils and individuals other than Staff

All requests from pupils (or parents on their behalf) to access to their own personal data other than educational records, and all requests from individuals other than pupils or staff to access their personal data, must be made in writing and sent to the Data Controller.

Provided:

- The request for personal data contains sufficient information so the Data Controller can be satisfied as to the identity of the person making the request and can locate the personal data the individual is seeking; and
- The Data Controller receives the required fee from the individual (currently £10), then responses to requests for access to personal data will be made within reasonable time and no more than 40 days from receipt of the necessary information and fee.

Personal data cannot be disclosed to a third party without the consent of the individual whose data it is except when such disclosure is legally permitted.

1.7 Disclosure Exemptions for Personal Data

In response to requests for access to personal data the school may not disclose personal data in certain circumstances such as:

- The personal data includes information relating to another identifiable individual
- The personal data is a confidential reference given by the data controller
- The personal data is processed for the purposes of management forecasting or planning
- The personal data contains the record of any intention of the school in relation to any negotiation with the individual whose personal data it is
- The personal data is the subject of legal professional privilege

The school may also not respond to a request for access to personal data if the request is a repeated request and a reasonable interval has not elapsed since the previous request.

1.8 Photographs

St Mary's CE Primary School will adopt the good practice on taking photographs in schools in line with the ICO Good Practice Note "Taking Photographs in Schools".

2. PUBLISHING INFORMATION

The school welcomes its duties under the FOIA 2000 and is committed to:

- Providing certain information to enquirers
- Providing advice and assistance to anyone requesting information
- Ensuring that personal information is not made public

To meet these duties, St Mary's CE Primary School has adapted the ICO's model publication scheme for schools. St Mary's CE Primary School's publication scheme is shown in Appendix C.

Most of the information will be published through the St Mary's CE Primary School website or can be obtained by writing to the Information Controller.

Single copies of information covered by this publication are normally provided free. If a request means that St Mary's CE Primary School will have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request.

2.1 Dealing with a Request for Information

The Information Controller will deal with written requests for information by:

- Deciding if the request comes under of the following Acts namely:
 - Data Protection Act
 - Environmental Information Regulations
 - Freedom of Information Act
- Providing the information if it has already been made public
- Informing the enquirer if St Mary's CE Primary School does not have that information
- Deciding if the estimated cost of complying with the request will exceed the appropriate limit
- Ensuring that all personal and commercially sensitive information is excluded from a requested document
- Consider if the request is annoying or repeated.

St Mary's CE Primary School accepts the four reasons under the FOIA for not complying with a request for information:

- That the requested information is not held
- The cost threshold is reached
- The request is considered annoying or repeated
- That one or more of the exemptions apply.

Information will be published within 20 days (60 during non-term time).

2.2 Feedback and Complaints

The school welcomes any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Headteacher or Chair of Governors.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the FOIA and that deals with formal complaints. Contact details are in Appendix A.

3. RETAINING INFORMATION

St Mary's CE Primary School will retain records for as short a time as possible consistent with legal and operational requirements. Retention periods and disposal will follow the guidelines published by the Information and Records Management Society Public Sector Group. Information and Records Management Society: RMS GB Retention Guidelines 3.1 These guidelines state:

- This 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.
- Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the DPA and the FOIA.
- Managing record series using these retention guidelines will be deemed to be "normal processing" under the legislation mentioned above. If record series are to be kept for longer or shorter periods than laid out in this document the reasons for this need to be documented.

4. DISPOSAL OF DATA

St Mary's CE Primary School ensures records are destroyed when no longer relevant (paper formats by shredding) with the following constraints:

- Records that are part of the financial records (e.g. dinner registers) of the school are kept for seven years;
- Other records (e.g. attendance registers) are kept for five years;
- When pupils change school the academic records are sent to the new school within 15 days of the pupil being taken off our school roll. If it is not known which school the child transfers to records will be sent within 15 days of a request from a new school. Failing that the record will be kept for 5 years. An entry is made in SIMS Attendance Module noting the destination of transferred pupils.

Appendix A – Additional information

Responsible Persons

Headteacher	Angela Abrahams c/o St Mary's CE Primary School Richmond Road Twickenham TW1 3BA
Chair of Governors	Ben Driver c/o St Mary's CE Primary School Richmond Road Twickenham TW1 3BA
Information Controller	Angela Abrahams c/o St Mary's CE Primary School Richmond Road Twickenham TW1 3BA

Useful Contacts

Information Commissioner
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire. SK9 5AF

or

Enquiry/Information Line: 01625 545 700

E Mail: publications@ic-foi.demon.co.uk

Appendix B – Data Protection Act Checklist

1. Do I really need this information about an individual? Do I know what I'm going to use it for?
2. Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?
3. Am I satisfied the information is being held securely, whether it's on paper or on computer? Including our website, is it secure?
4. Am I sure the personal information is accurate and up to date?
5. Do I delete/destroy personal information as soon as I have no more need for it?
6. Is access to personal information limited only to those with a strict need to know?
7. If I want to put staff details on our website, have I consulted with them about this?
8. If I use CCTV, is it covered by the Act? If so, am I displaying notices telling people why I have CCTV? Are the cameras in the right place, or do they intrude on anyone's privacy?
9. If I want to monitor staff, for example by checking their use of email, have I told them about this and explained why?
10. Have I trained staff in their duties and responsibilities under the Act, and are they putting them into practice?
11. If I'm asked to pass on personal information, am I and my staff clear when the Act allows me to do so?
12. Would I know what to do if one of my employees or individual customers asks for a copy of information I hold about them?
13. Do I have a policy for dealing with data protection issues?
14. Do I need to notify the Information commissioner?
15. If I have already notified, is my notification up to date, or does it need removing or amending?

Appendix C – FOI Publication Scheme

The publication scheme provides a guide to the information which we will publish. This is split into categories of information known as classes as detailed below:

Information	How it can be obtained
Who we are and what we do	
<ul style="list-style-type: none">• Who's who in the school• Who's who on the Governing Body and the basis of their appointment• Instrument of Government • Contact details for the Headteacher and for the Governing Body• School prospectus• Staffing structure• School session times and term dates	<ul style="list-style-type: none">• Website• Website • Hard copy – on request from school office• Website • Website• Website• Website
What we spend and how we spend it	
<ul style="list-style-type: none">• Annual budget plan and financial statements• Capitalised funding• Additional funding• Procurement and projects• Governors' allowances	<ul style="list-style-type: none">• Hard copy – on request • Hard copy – on request• Hard copy – on request• Hard copy – on request• Hard copy – on request
What our priorities are and how we are doing	
<ul style="list-style-type: none">• School profile• Government supplied performance data• The latest Ofsted report<ul style="list-style-type: none">➢ Summary➢ Full report• Performance management policy and procedures adopted by the Governing Body• School development plan	<ul style="list-style-type: none">• Website• Website • Website• Website• Hard copy – on request • Hard copy – on request
How we make decisions	
<ul style="list-style-type: none">• Admissions policy / decisions (not individual admissions decisions)• Agendas of meetings of the Governing Body and its committees• Minutes of meetings of Governing Body and its committees – this will exclude information that is properly regarded as private to the meetings.	<ul style="list-style-type: none">• Website • Hard copy – on request • Website (committee minutes available by hard copy – on request)

Our policies and procedures

- School policies including:
 - Charging policy
 - Health and Safety
 - Complaints procedure
 - Discipline and grievance policies
 - Equality and diversity (including equal opportunities) policies
 - Single Equalities Scheme
 - Pupil and curriculum policies including:
 - Home-school agreement
 - Curriculum
 - Sex education
 - Special educational needs
 - Accessibility plan
 - Pupil discipline
 - Records management and personal data policies, including:
 - Data protection (including information sharing policies)
- Website
 - Website
 - Website
 - Hard copy
 - Website

 - Website

 - Website
 - Website
 - Website
 - Website
 - Hard copy
 -
 - Website – Anti-bullying policy, Attendance policy,

 - Website- Privacy notice

Charging regimes and policies

This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.

There are currently no charges made for information routinely published

Lists and registers

- Curriculum circulars
 - Asset register
- Website
 - By inspection only

The services we offer

- Extra-curricular activities
 - Out of school clubs
 - Prospectus
 - Leaflets, books and newsletter
- Website
 - Website
 - Website
 - Website and school offices

Additional information

This will provide schools with the opportunity to publish information that is not itemised in the lists above.