

# Oaks Park High School

**Title of Policy:** Data Protection

**Person responsible:** J Hamill

**Date for review:** 2017

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Oaks Park collects and uses personal information on staff, students, parents and other individuals who come into contact with the school to enable it 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. These details are then available on the ICO website. Schools also have a duty to issue a Fair Processing Notice to all students/parents. This summarises the information held on students; why it is held and other parties to whom the information may be passed on.

## **Purpose**

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

## **What is Personal Information?**

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

## **Data Protection Principles**

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

### **Personal data shall be:**

1. processed fairly and lawfully;
2. obtained only for one or more specified and lawful purposes;
3. adequate, relevant and not excessive;
4. accurate and where necessary, kept up to date;
5. kept for no longer than necessary for the purpose for which it is processed;
6. processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. kept securely, ie. protected by an appropriate degree of security.
8. Personal data shall not be transferred to a country or territory outside the European Union, 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:

- inform individuals why the information is being collected;
- if their information is shared, inform individuals why and with whom it is shared;
- check the quality and the accuracy of the information held;
- ensure that information is retained for no longer than necessary;
- ensure that obsolete information is destroyed in an appropriate and secure manner;
- 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;
- share information with others only when it is legally appropriate to do so;
- set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests;
- ensure that staff are aware of and understand our policies and procedures.

## **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).

## **Review**

This policy will be reviewed as appropriate, and at least every 2 years. The policy review will be undertaken by the Headteacher or nominated representative.

## **Contacts**

Any queries in relation to this policy should be directed to the Headteacher, who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.org.uk](http://www.ico.org.uk) or telephone 0303 123 1113.

## Appendix 1

### Oaks Park High School - Procedures for responding to 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 about students:

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 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

1. Requests for information must be made in writing (which includes email) and addressed the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the person making the request must be established before any information is disclosed. Checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- Passport;
- driving licence;
- utility bill providing the current address;
- Birth/Marriage certificate;
- P45/P60;
- Credit Card or Mortgage statement.

*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 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.
4. The school may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain educational records, the amount charged will be dependent upon the number of pages provided.
  - Should the information requested be personal and 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 Headteacher.
5. The response time for subject access requests, once officially received, is **40 calendar days irrespective of school holiday periods**. However the 40 days will not commence until fees have been paid or information sought has been clarified.
6. The Data Protection Act 1998 allows exemptions to the provision of some information; **therefore all information will be reviewed prior to disclosure**.
7. Third party information is that which has been provided by another body, such as the Police, Local Authority, Health Care professional or another school. Consent should normally be obtained prior to third party information being disclosed. There is still a need to adhere to the 40 day statutory timescale.

### **Actioning a subject access request (cont.)**

8. Any information which may cause serious harm to the physical or mental health, or emotional condition of the student or another, should not be disclosed. Nor should information revealing that the child is at risk of abuse or information relating to court proceedings.
9. If there are concerns over the disclosure of information, additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place and a complaint is made, a full copy of the information provided should be retained in order to establish what was redacted and why.
11. 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, it should be retyped.
12. Information can be provided at the school, with a member of staff on hand to help and explain matters if requested. The views of the applicant should be taken into account when considering the method of delivery. If postal systems need to be utilised, registered/recorded mail must be used.

### **Complaints**

Complaints regarding the above procedures should be made to the Chair of the Governing Body, who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's Complaints Procedure.

Complaints which cannot be dealt with appropriately via the school's Complaints Procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

Any queries in relation to this policy should be directed to the Headteacher, who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.org.uk](http://www.ico.org.uk) or telephone 0303 123 1113 (local rate) or 01625 545745(national rate).