



Data Protection Policy

About this policy:	
Date this review	Autumn 2023
Date next review	Autumn 2024
Review period	Annual
Approval body	FGB
Reviewed by	Business Manager

Childhood matters to us: it is short, precious and cannot be repeated. Our Christian values are rooted in God. Growing in love, every child reaches their spiritual and academic potential. Our learners use their resilience, curiosity and independence to become fruitful and effective global citizens.

With the Holy Spirit by our side, we can achieve anything!

Policy

Send C of E Primary School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order 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's website. Schools also have a duty to issue a Privacy/ Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and 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. It also takes into account the provisions of the General Data protection Regulation, which came into force in 2018.

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.

Definition of 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.



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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 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;
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:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- 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 our 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 annually. The policy review will be undertaken by the Local Governing Body.

Contacts

If you have any enquires in relation to this policy, please contact the School Business Manager who will also act as the contact point for any subject access requests.

The Data Protection Officer for Send CofE Primary School is Ms Ann Johnstone who can be contacted on ajohnstone@sendcofe.co.uk

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113



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Responding to Subject Access Requests

The Information Commissioners Office produce template letters on how to respond 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 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 within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to the Business Manager. If the initial request does not clearly identify the information required further information will be requested.
2. The identity of the requestor must be established before the disclosure of any information checks should also be carried out regarding proof of relationship to the child.
3. Schools should not apply a charge for a request under Freedom of Information or a SAR Request.
4. The response time for subject access requests for all or part of the pupil's educational record (SEN), once officially received, is 15 school days. If the subject access request does not relate to the educational record, we will respond within 30 in line with the Data Protection Act 1988. Should we need to request an extension to the time we need to respond to a request we will provide the information to you within the time limit.
5. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.
6. 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 a need to adhere to the 30-day statutory timescale.
7. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
8. If there are concerns over the disclosure of information then additional advice should be sought.
9. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
10. 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, then it should be retyped.



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11. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face-to-face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about 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 Complaint Procedure.

Complaints which are not appropriate to be dealt with through the school's Complaint Procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113.