



Heronswood Primary School and Pre-School

Data Protection Policy

This document is a statement of the aims and principles of the School, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

Introduction

Heronswood Primary School needs to keep certain information about its employees, pupils and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Heronswood Primary School must comply with the Data Protection Principles which are set out in the Data Protection Act 2000. In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

Heronswood Primary School and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Heronswood has developed this Data Protection Policy.

Status of this Policy

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by Heronswood from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers

The School as a body corporate is the Data Controller under the 2000 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the Head of School.

Heronswood Primary School is registered with the Information Commissioners Office (ICO).

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to Heronswood in connection with their employment is accurate and up to date.
- Informing the school of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently.

Heronswood cannot be held responsible for any errors unless the staff member has informed the school of such changes.



If and when, as part of their responsibilities, staff collect information about other people e.g. about a pupil's ability or details of personal circumstances, they must comply with the guidelines for staff set out in the Schools Data Protection Code of Practice.

Data Security

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on a removable storage device, that device must itself be kept in a locked filing cabinet, drawer, or safe.

Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the school holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the school is doing to comply with its obligations under the 2000 Act.

All staff, parents and other users have a right under the 2000 Act to access certain personal data being kept about them or their child either on computer or in certain files.

Any person who wishes to exercise this right should formally request the information required in writing to the Head of School. On each occasion that access is requested a charge will be made according to the administration costs, at the schools discretion.

The School aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 2000 Act.

Logging Requests Received

The school will keep a record of all requests received for monitoring purposes, noting:

- a) the date the request was received,
- b) name and contact details of the person or organisation making the request,
- c) the date the request was fulfilled or refused,
- d) the reason for any exemption being applied,
- e) the reason for any failure to meet the 20 day deadline.

Subject Consent

In many cases, Heronswood can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 2000 Act, express consent must be obtained.

- Agreement to the school processing some specified classes of personal data is a condition of acceptance of employment for staff. This included information about previous criminal convictions.
- Jobs which will bring the applicants into contact with children. The school has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job.
- The school has a duty of care to all staff and pupils and must therefore make sure that employees and those who use School facilities do not pose a threat or danger to other users.
- The school may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The school will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.



Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that Heronswood is a safe place for everyone, or to operate other school policies, such as the Sick Pay Policy or the Equal Opportunities Policy.

Because this information is considered **sensitive** under the 2000 Act, staff (and pupils where appropriate) will be asked to give their express consent for the school to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Publication of School Information

Certain items of information relating to school staff will be made available via searchable directories on the internet, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the school.

Retention of Data

Heronswood has a duty to retain some staff and pupil personal data for a period of time following their departure from the school, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts.

Different categories of data will be retained for different periods of time.

Conclusion

Compliance with the 2000 Act is the responsibility of all members of the School. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

Written by – Mrs R Pierpoint

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