

# Tanfield School

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*Specialist College of Science & Engineering*



## DATA PROTECTION POLICY

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### Document Control

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### Change History

Version	Date	Description
1.0		Initial draft, start of document
2.0		Review to ensure compliance with GDPR

### Related Documents/Policies

References	Title
	Privacy Notice for Staff
	Privacy Notice for Parents
	Privacy Notice for Pupils
	IT Acceptable Use Policy for Staff
	IT Acceptable Use Policy for Pupils
	Record Retention Schedule

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### **Aims**

Our school aims to ensure that all data collected about staff, pupils, parents, and visitors is collected, stored, and processed in accordance with the Data Protection Act 1998.

This policy applies to all data, regardless of whether it is in paper or electronic format. All staff involved with the collection, use, storage, and sharing of personal data are aware of their duties and responsibilities under this policy and associated policies.

### **Legislation and guidance**

This policy meets the requirements of the Data Protection Act 1998, and is based on guidance published by the Information Commissioner's Office.

It also takes in to account the expected provisions of the General Data Protection Regulation, which is new legislation due to come in to force in 2018.

In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

### **Definitions**

<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious beliefs, or beliefs of a similar nature</li><li>• Trade union membership</li><li>• Physical and mental health</li><li>• Sexual orientation</li><li>• Criminal convictions</li></ul>
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

### **The data controller**

Our school processes personal information relating to pupils, staff, and visitors, and, therefore, is a data controller. Our school delegates the responsibility of the data protection officer to Mr Chris Maughan.

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

### **Data protection principles**

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling, and our school ensures the integrity of data based on these:

- Data should be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than it is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- 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 or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

### **Roles and responsibilities**

The governing body has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the headteacher, or the deputy headteacher in the headteacher's absence. The headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy, the Privacy Notice for Staff, and the IT Acceptable Use Policy for Staff.

### **Privacy/fair processing notice**

We hold personal data about pupils to support teaching and learning, to provide pastoral care, and to assess how the school is performing. We may also receive data about pupils from other organisations, or ask third parties to process data on our behalf (data processors).

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school.

For full information about the data we collect, use, store, and share please see our Privacy Notice for Parents, Privacy Notice for Pupils, and Privacy Notice for Staff.

### **Subject access requests**

Under the Data Protection Act 1998, individuals have a right to request access to information the school holds about them. Parents also have the right of access to their child's educational record. This is known as a subject access request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights. For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may not be granted without the express permission of the pupil.

For more information about subject access requests, including how to make a subject access request, please see our Privacy Notice for Parents, Privacy Notice for Pupils, and Privacy Notice for Staff.

### **Training**

Our staff and governors are provided with data protection training as part of their induction process.

Data protection also forms part of continuing professional development, where changes to legislation or the school's processes make it necessary.

### **The General Data Protection Regulation**

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We are currently reviewing our policies and working practices and delivering training to staff and governors to ensure compliance with these changes.

### **Monitoring arrangements**

The school business manager is responsible for monitoring and reviewing this policy.

The deputy headteacher checks that the school complies with this policy by, among other things, reviewing school records regularly

This document will be reviewed when the General Data Protection Regulation comes into force, and then **every 2 years**.

At every review, the policy will be shared with the governing body.