

Irchester Community Primary School

DATA PROTECTION / FREEDOM OF INFORMATION POLICY

The School aims to comply with the terms of the 1998 Data Protection Act (DPA) and subsequent legislation to ensure that personal data is treated in a manner that is fair and lawful and that relevant confidentiality is preserved.

The School agrees with the terms of the Freedom Of Information Act 2000 (FOI Act) applicable from 2005, to promote a culture of openness and accountability and will provide advice and assistance to anyone requesting information.

The School aims to comply with the Environmental Information Regulations (EIR)

In applying this policy, the School will refer to and take account of DCSF and LEA guidance regarding information or data held about individuals, particularly pupils and adults connected with the educational system.

(see www.dataprotection.gov.uk teachernet.gov.uk and www.northamptonshire.gov.uk)

(This policy should be read in conjunction with other related school policies.)

This policy gives due consideration to the 8 principles of data protection i.e. Data will be

- ❖ processed fairly and lawfully;
- ❖ processed only for specific lawful and compatible purposes;
- ❖ adequate, relevant and not excessive;
- ❖ accurate and up to date;
- ❖ kept for no longer than necessary;
- ❖ processed in accordance with the rights of data subjects;
- ❖ kept secure;
- ❖ only transferred outside the European Economic Area if there is adequate protection in the country to which the data is transferred.

1. DATA GATHERING

All personal data relating to staff, pupils or other people with whom we have contact, whether held on a computer or in paper form will be covered by the DPA and this policy.

Only data considered to be relevant will be collected and where possible the person concerned will be informed of its intended use and of any possible disclosures of the information that may be made.

2. DATA STORAGE

Every reasonable effort will be made to ensure that personal data is stored in a relevant, secure and safe manner.

Electronic office personal data will be protected by standard password and appropriate firewall systems.

Computer workstations in administrative areas will be positioned so that screens are not visible to casual observers / visitors etc. Personal data will be removed from the screen if necessary.

Manual data will be stored where it is not accessible to anyone who does not have a legitimate reason to view or process the data, (where possible, in a locked unit.)

Particular attention will be paid to the need for security of sensitive personal data.

Due attention to site and area security will be given, particularly where members of the public can access the site (e.g. locked areas during lettings).

Staff will be reminded and advised regularly about the need to keep personal and sensitive data secure, (e.g. in locked units), to minimise use of copies and to destroy outdated data carefully and completely (e.g. by shredding). Laptops should be locked away when not in use at school and kept secure by password protection and suitable storage off site.

3. DATA CHECKING

The school will issue regular reminders to staff and parents to ensure that personal data held is up to date and accurate.

Any errors discovered will be rectified and, if the incorrect information has been disclosed to a third party, any recipients will be informed of the correct data.

4. DATA DISCLOSURES

Personal data will only normally be disclosed to those organisations or individuals for whom consent has been given to receive the data, or organisations that have a legal right to receive the data without consent.

When requests to disclose personal data are received by telephone, it is the responsibility of the School to ensure the caller is bona fide and entitled to the information, e.g. by calling them back via a switchboard.

If a request is made for the sharing of personal information, the School will, if necessary, request proof of identity and / or will make reference to DCSF or LEA guidance to inform decisions before disclosure.

Requests from parents or children for printed lists e.g. of the names of pupils in a class, should politely be refused. (The child would be permitted to make his/ her own list of names when all children are present on the class.)

Blanket permission for (e.g.) photographs, videos, etc of pupils, to be used for school purposes will be sought annually to avoid the need for frequent requests for consent. A list will be held on the office of those without this blanket permission. Personal data will not be used in school newspapers, websites or other media without the consent of the data subject.

Personal data will only be disclosed to Police Officers if they are able to provide a evidence which identifies a specific, legitimate need to have access to personal data.

A record will be kept of any personal data disclosed, so that the recipient can be informed if the data is later found to be inaccurate.

5. SUBJECT ACCESS REQUESTS

If school staff receive a formal, written request from a data subject to see any personal data that the school holds about them, this should be treated as a Subject Access Request and the School will respond within 20 days. (See appendix for forms/letters/procedure to be used.)

Informal requests to view, or to have copies of personal data will be dealt with as soon as possible, by mutual arrangement. If there are any concerns relating to this, the person requesting the personal data will be asked to put their request in writing.

Responsibility for dealing with requests for information has been delegated to the Headteacher, who will make reference to the Governing Body or LEA for advice if necessary.

The following statement, or similar statement, will be included on requests for personal information:

The School and the Local Education Authority are required under Data Protection legislation, to comply with essential good practice in respect of the information collected, and to manage it securely.

The individuals who are the subject of the information or who have parental / guardian responsibility, are generally entitled to see the information and are encouraged to help to keep the information up to date.

This information will be used for educational, planning or managerial purposes.

Further detail on how the information may be used, will be given where possible e.g. who will see it, why they need it, what they will do with it, when they will delete it.

6. FREEDOM OF INFORMATION

The School will make every effort to provide advice and assistance to anyone requesting information.

The enquirer is entitled to be told (confirm / deny) whether the school holds the requested information unless exemptions apply.

Requests will be dealt with within 20 days. (excluding receipt in school holidays).

The School will not wilfully conceal, damage or destroy information in order to avoid answering a query on a valid FOI request.

Expressions of dissatisfaction will be dealt with through the school's Complaints procedure.

7. CHECKLIST

Upon receipt of a request for information the School will;

Decide the relevance of / type of request (i.e. Data Protection / Freedom Of Information / Environmental Information Regulations.)

Decide whether the school holds the information or whether the request should be referred to another body.

Provide the information, if it has already been made public

Inform the enquirer if the information is not held.

Consider whether a third party's interests might be affected by disclosure and if so, consult them.

Consider whether any exemptions apply and whether they are absolute or qualified.

Carry out a public interest test to decide if applying the exemption outweighs the public interest in disclosing the information.

Decide whether the estimated cost of complying with the request will exceed the limit of £500.

If a request is made for a document that contains exempt personal information, ensure that the personal information is removed by applying the reduction procedure.

Consider whether the request is vexatious or repeated.

POLICY LAST REVIEWED March 2010 JLA/MC chair of governors

Re-approved by Governors

Appendix: PROCESSING SUBJECT ACCESS REQUESTS

The member of staff taking the request will complete Form DPA1 and pass to the Headteacher to deal with Data Protection. This form will be lodged in the Subject Access File, kept in the Data Protection cabinet in the School Office.

The Students/parents/staff member requesting Subject Access will be sent letter DSA1 along with form DPA2. Completed forms should be submitted to the Headteacher.

Provided that there is sufficient information to process the request, an entry will be made in the Subject Access file, indicating the following:

- the date of receipt**
- data subject's name**
- name and address of applicant (if different)**
- type of data required (eg Student Record, Personnel Record)**
- planned date of supplying the information (not more than 40 days from the request date)**
- the initials of the headteacher or staff member supplying the information**
- the date of the request will be noted in the data subject's manual file and a record of the data supplied.**

Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested letter DSA2 will be sent to the requester. In which case, the date of the entry in the Subject Access file will be the date on which sufficient information has been provided.

Once sufficient information has been provided, the applicant will be sent a copy of their personal data within 40 days, as required by the Act. If no data is located the applicant will be sent letter DPA2.

Form DPA1 - DATA PROTECTION ACT 1984 – SUBJECT ACCESS REQUEST

To Member of Staff taking Request: Please complete this form and pass to the Headteacher, who will contact the applicant within 7 days. Please keep a copy of the completed form in the data subject’s manual file.

1. NAME OF APPLICANT:

ADDRESS:

POST CODE:

TELEPHONE NO.

2. Is the applicant a) the data subject? YES/NO

b) acting on behalf of the data subject? YES/NO

3. If the answer to 2(b) is YES, please give:

NAME OF DATA SUBJECT:

ADDRESS:

POST CODE:

TELEPHONE NO.

4. Nature of request:

5. Name of School staff: _____

Location: _____ Date of Request: _____

Telephone No: _____

Letter DSA1 – LETTER TO APPLICANT

Dear

DATA SUBJECT ACCESS APPLICATION

Thank you for your letter/phone call/visit of, in which you asked for a copy of any *personal data* which we hold on yourself, namely

In making this request, you are exercising your right of *subject access* under the Data Protection Act 1984. The Act gives rights to individuals about whom data is kept, who are referred to as *data subjects*. These rights include the circumstances in which data subjects can have details of their data, this is known as SUBJECT ACCESS. In order to help us supply you with the data, please complete the enclosed subject access Application Form and return it to me at the above address.

It is important for us to identify you as the subject of the *personal data* and to locate the data promptly. For these reasons, could you please provide:

- (i) to prove that you are the Data Subject;
- (ii) to help us locate your data.

If you are acting on the data subject's behalf, you must send written confirmation of your authority to do so. As required by the Act, we shall send you a copy of your *personal data* within 40 days of receipt of the above information and the completed application form. There will be no charge for this service. Please contact me if you have not received the *personal data* after 40 days.

If you have any questions or if you would like some help in completing the application form, please contact me on the above telephone number.

Yours sincerely,

Julia Alison
Headteacher

Form DPA2 - SUBJECT ACCESS APPLICATION FORM

DATA PROTECTION ACT - LOCATION OF DATA

Subject to certain provisions in the Act, you are entitled to a copy of all the information held about you. In order to assist us in finding the information quickly, it would be helpful if you would answer the questions below.

- (i) Which area(s) of the Education Services do you wish us to check? _____**

- (ii) If you are an employee of the Education Service, what is your Payroll number and/or job title?**

- (iii) Is your child a student at this school. _____**
- (iv) If you are a member of a School Governing Body or Parents' Association, at which school.**

- (v) Do you have any reference or application number issued by the Education Service.**

SIGNATURE OF APPLICANT

I confirm that the above information is correct to the best of my knowledge. I understand that it may be necessary for more detailed information to be obtained in order to be certain as to my/the data subject's identity and to locate the relevant data. I understand that no action will be taken until such enquiries are complete.

Signed _____ Date _____

(When complete, please return this form to the address above)

Letter DPA2 – NO DATA HELD

Dear

DATA SUBJECT ACCESS REQUEST

DATA SUBJECT'S NAME

Thank you for your request for data subject access/sending your completed data subject access application form, dated, made according to the Data Protection Act 1984.

I have checked our computer records on the basis of the information which you provided and have found that the Education Service does not hold on computer any personal data concerning yourself, namely

I am pleased to be able to give you this information and trust that it is useful to you and thank you for your enquiry.

Yours sincerely

**Julia Alison
Headteacher**