

Data Protection Policy

Queen's College, Taunton

August 2017 (v.1)

Data Protection Policy

- 1 **Introduction:** The school is required to process relevant personal data regarding pupils, parents, guardians and staff (the "data subjects") as part of its normal operations and shall take all reasonable steps to do so in accordance with this Policy.

The Data Subject is the person the information relates to. There may be more than one Data Subject, such as when a record concerns an incident involving two pupils.

Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this policy, any reference to the above data subjects includes past as well as current individuals.

This policy should be read alongside

- 1.1 IT acceptable use policy;
- 1.2 Privacy notice :

This list is not exhaustive

Application: This policy is aimed at Parents and Students. Staff including temporary staff, agency workers, volunteers Governors and contractors should refer to the Employment Manual page 87 for Employment Data Protection guidance.

It explains the School's general approach to data protection, and provides practical guidance which will help to ensure that the School complies with the Data Protection Act 1998 (the Act).

- 2 **Compliance:** Compliance with this policy will help the School to meet its obligations under the Act but it does not commit the School to a higher standard than is required by the Act. In some circumstances, e.g. situations involving safeguarding concerns, strict compliance with the Act will be subsidiary to other considerations.

3 **Data Protection Officer**

- 3.1 The School has appointed the Head Teacher as Data Protection Officer (DPO) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998.

3.2

- 4 **The Data Protection Act:** The Data Protection Act 1998, which came into force on 1st March 2000, has 3 principal elements of law:

- 4.1 Notification – the office of the Data Protection Commissioner must be notified of the types of data held, intended disclosures of data and the purposes for which the data is held.
- 4.2 Individuals' Rights – individuals have a right to access to any personal data held, to correct any such data and to ensure that no decision is made by a purely automated process.
- 4.3 Data Protection Principles – these effectively constitute the rules governing the holding, processing and disclosure of data.

The Act covers both manual and computerised records.

- 5 **Data Protection Principles:** The Act requires the school to adhere to certain standards regarding the gathering, use and disclosure of personal data, as set out in the Data Protection Principles.

The school shall, so far as is reasonably practicable, comply with the Data Protection Principles (the "Principles") contained in the Data Protection Act to ensure that all data is:

- 5.1 Fairly and lawfully processed;
- 5.2 Processed for a lawful purpose;
- 5.3 Adequate, relevant and not excessive;
- 5.4 Accurate and up-to-date;
- 5.5 Not kept for longer than necessary;
- 5.6 Processed in accordance with the data subject's rights;
- 5.7 Secure;

Not transferred to other countries without adequate protection.

- 6 **Personal Data:** This policy covers the School's acquisition and use of the Personal Data it holds, and in particular records about pupils, parents, staff and suppliers. Personal Data is:

- 6.1 personal information that has been, or will be, word processed or stored electronically (e.g. computer databases and CCTV recordings);
- 6.2 personal information that is, or will be, kept in a file which relates to an individual or in a filing system that is organised by reference to criteria which relate to the individuals concerned (e.g. name, school year, school activities);
- 6.3 and some health records prepared by a doctor, nurse or other health professional (even if not held on computer or held as part of an organised file).

Personal data covers both facts and opinions about an individual. The school may process a wide range of personal data on;

- 6.4 Pupils;
- 6.5 parents, guardians
- 6.6 and staff as part of its operation.
- 6.7 This personal data may include (but is not limited to):
 - 6.7.1 names and addresses,
 - 6.7.2 academic,
 - 6.7.3 disciplinary,
 - 6.7.4 admissions and attendance records,
 - 6.7.5 examination scripts and marks,

- 6.7.6 recruitment records,
 - 6.7.7 qualifications,
 - 6.7.8 employment history,
 - 6.7.9 results of CRB or similar enquiries,
 - 6.7.10 criminal records,
 - 6.7.11 appraisal and performance information,
 - 6.7.12 next of kin,
 - 6.7.13 court orders,
 - 6.7.14 payment history, banking details for Direct Debits etc.),
 - 6.7.15 those records required by legislation, e.g. health & safety and employment legislation,
 - 6.7.16 Complaints: This procedure should not however be used where you have a complaint relating to your Child in the School. The complaints procedure contained on the website should be used in such cases.
- 6.8 **Personal information** is any information about someone who can be identified (e.g. their address, school activities, attendance record, exam results). It makes no difference whether they can be identified directly from the record itself or indirectly using other information.

7 **Processing of Personal Data:**

- 7.1 Specific legitimate purposes: The School shall only process Personal Data for specific and legitimate purposes. These are:
- 7.1.1 ensuring that the School provides a safe and secure environment;
 - 7.1.2 providing pastoral care;
 - 7.1.3 providing education and learning for children;
 - 7.1.4 providing additional activities for children and parents (for example activity clubs) ;
 - 7.1.5 protecting and promoting the School's interests and objectives - this includes fundraising;
 - 7.1.6 safeguarding and promoting the welfare of children;
 - 7.1.7 for personnel, administrative and management purposes. For example, to pay staff and to monitor their performance;
 - 7.1.8 and to fulfil the School's contractual and other legal obligations.

School staff must not process Personal Data for any other purpose without the DPO or Human Resources Manager's permission.

- 7.2 Consent may be required for the processing of personal data unless the processing is necessary for the school to undertake its obligations to pupils and

their parents or guardians, or is necessary for the performance of contracts of employment. Any information that falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

- 8 **Sensitive Personal Data:** The school may, from time to time, be required to process sensitive personal data regarding a pupil, parents or guardians, or a member of staff. Sensitive personal data includes medical information, and data relating to race, ethnic origin, political or religious beliefs trade union membership health, sex life and actual or alleged criminal activity or criminal records and proceedings. Where the school processes sensitive personal data, the explicit consent of the appropriate individual will generally be required in writing.
- 9 **Rights of Access to Information:** Individuals have a right of access to information held by the School.
- 9.1 **Data Subject access request:** Individuals are entitled to know whether the School is holding any Personal Data which relates to them, what that information is, the source of the information, how the School uses it, and who it has been disclosed to.
- 9.2 **Use of personal data:** Individuals have a legal right to ask the School not to use their Personal Data for direct marketing purposes or in ways which are likely to cause substantial damage or distress.
- 9.3 **Corrections:** Individuals have a legal right to ask for incorrect Personal Data to be corrected or annotated.
- 9.4 **Automatic decisions:** Individuals have a legal right to ask the School not to make automatic decisions (using Personal Data) if such automatic decisions would affect them to a significant degree.
- 9.5 **Making a request:** Any individual wishing to access their personal data should put their request in writing to the DPO using the Personal Data Request form [Appendix 1](#) and paying the appropriate fee.

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request.

- 9.6 It should be noted note that the School may charge an administration fee of up to £10.00 for providing this information.
- 9.7 Certain data is exempt from the right of access under the Data Protection Act this may include information that;
- 9.7.1 identifies other individuals,
- 9.7.2 information that the School reasonably believes is likely to cause damage or distress,
- 9.7.3 or information that is subject to legal professional privilege.
- 9.7.4 The School is also not required to disclose any pupil examination scripts

- 9.8 The School will also treat as confidential:
- 9.8.1 any reference given by the School for the purpose of the education, training or employment, or prospective education,
 - 9.8.2 training or employment of any pupil or member of staff.
 - 9.8.3 The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.
- 10 **Whose Rights:** The rights under the Data Protection Act are the individual's to whom the data relates. The School will however in most cases rely on parental consent to process data relating to pupils unless;
- 10.1 given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent. In such situations the Student Consent form will be completed and witnessed by a senior member of staff. [Appendix 2](#).
 - 10.2 Parents should be aware that in such situations they might not be consulted.
 - 10.3 The School will only grant the pupil direct access to their personal data if, in the School's reasonable belief;
 - 10.3.1 the pupil understands the nature of the request.
 - 10.3.2 Pupils agree that the School may disclose their personal data to their parents or guardian.
 - 10.3.3 Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.
- 11 **Exemptions:** Certain data is exempted from the provisions of the Data Protection Act, including the following:
- 11.1 The prevention or detection of crime;
 - 11.2 The assessment of any tax or duty;
 - 11.3 Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.
- The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPO.
- 12 **Disclosure of Information:** The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians, or members of staff. The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data

Protection Act applies. However the School does intend to disclose such data as is necessary to third parties for the following purposes:

- 12.1 To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend.
- 12.2 To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- 12.3 To publish the results of public examinations or other achievements of pupils of the School.
- 12.4 To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

- 13 **Use of my Personal Information by the School:** The School may, from time to time, make use of personal data relating to pupils, their parents or guardians, or members of staff, in various ways. These may include:

- 13.1 Use of photographic images of pupils in School publications and on the School website.
- 13.2 If the pupil is named, only the first name will be used;
- 13.3 This policy is explained to parents on joining the school, and an opportunity is given for the parents to withhold their permission for their child/children's photographs to be used.
- 13.4 Maintaining relationships. This includes
 - 13.4.1 fundraising,
 - 13.4.2 marketing or promotional purposes and
 - 13.4.3 maintaining relationships with pupils, parents or members of staff (past or present) of the School, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact or for fundraising, marketing or promotional purposes. This specifically includes the provision of parents' names and addresses to the school's Parents' Associations. This policy is also explained to parents on joining.
- 13.5 the school, or to pupils as they leave the school, and an opportunity is given for permission to be withheld.

- 14 **Examinations:** The publication of examination results is lawful under the Act, as it is necessary for the legitimate interests of the school. This means that it is not strictly necessary to obtain pupils' or parents' consent to the publishing of results, the school should make them aware that this may take place. In order to reduce the possibility of potential upset, any publication should be alphabetical rather in result order, or even anonymously.

- 15 **References:** Under a specific exemption in the Act, the individual does not have the right to gain access to a confidential reference from the organisation that has given it. However, once the reference is with the organisation to which it was sent then no such specific exemption from the right of access exists.

References given for certain purposes, including education, training or employment, can be exempt from the Act. Where the school gives a reference, e.g. a University reference on behalf of a pupil, or an employment reference for an employee or former employee, then the reference should be marked "Confidential for the Purposes of the Data Protection Act 1998". The reference should then be exempt from disclosure under a subject access request. However, it may be more difficult to withhold disclosure of references received, particularly if the candidate is turned down for the post or place.

References may only be given by the Head, or by some other person specifically authorised by the Head. All references should, wherever possible, be on school headed notepaper. All references must be given with reasonable care, to make sure that the facts are correct and that opinions are based on accurate facts, so that any possibility of action from the employee or the prospective employer is avoided.

- 16 **Retention of Records:** Neither the Act nor the various Codes of Practice issued under the Act specify a time limit for retaining records. Personal data should only be kept for as long as is necessary, and it is up to the DPO to decide this time, and to justify that decision if challenged.

16.1 Pupil Data

The school should not collect or retain more information than is necessary, and all irrelevant or out of date personal information should be destroyed. Once a pupil has left the school, it is not necessary to retain all the information held on them. However, it is appropriate that some data is kept for longer periods than others, depending on its nature.

- 16.2 UCAS forms have traditionally been kept "on file" by schools. In order to satisfy authorised requests for copies of student references and/or personal statements, a copy of the form may be kept within a secure file after the pupil has left the school. It may not be necessary to retain the whole form, and some parts may be deleted, or certain information transferred to an individual's record.
- 16.3 Irrelevant or particularly sensitive information should be deleted or destroyed.
- 16.4 A list of former pupils may be maintained and used, provided the principles of the Act are observed.
- 16.5 Processing should be for the legitimate interests of the school and not unduly prejudice the rights and freedoms of the individual.
- 16.6 While disclosure, without consent, of name and address details to a third party, e.g. for marketing purposes, would not be acceptable, the retention of basic biographical information on a record-keeping database, and even its publication in a record of former pupils, is acceptable.
- 16.7 Personal data such as health records should not be transferred to former pupil databases held for the distribution of former pupil mailings.

- 16.8 Reasonable steps should be taken to keep such a database up-to- date with accurate entries of addresses and telephone numbers, etc. Such records may be kept indefinitely.
- 17 **Accuracy:** The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPO of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.
- 18 **Security:** The School will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians, or other members of staff, where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.
- Enforcement: If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the School complaints procedure and should also notify the DPO.
- 19 Further information, ICO website:
- 19.1 The School has registered its use of Personal Data with the Information Commissioner's Office and further details of the Personal Data it holds, and how it is used, can be found in the School's register entry on the Information Commissioner's website at www.ico.org.uk under registration number Z5543197. This website also contains further information about data protection.
- 19.2 Contact: If you would like any further information about anything within this policy, please contact the DPO.

Effective date of the policy	31st August 2017
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SLG Responsible Member	Bursar
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Authorised by	Board of Governors
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Signed	Mark Edwards, Chair of Governors
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Date	31 st August 2017
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Appendix 1

ACCESS TO PERSONAL DATA REQUEST

DATA PROTECTION ACT 1998

Section 7

Enquirer's Surname.....

Enquirer's Fore Names.....

Enquirer's Address

.....
.....
.....
.....

Enquirer's E-mail

(NB. Only fill out this information if you consent to the data being sent to you via e-mail).

Telephone Number.....

Are you the person who is the subject of the records you are enquiring about (i.e. the "Data Subject")?

YES / NO

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about?

YES / NO

If YES,

Name of child, or children, about whose personal data records you are enquiring:-

.....	DOB
.....	DOB
.....	DOB
.....	DOB

Description of Concern / Area of Concern

Description of Information or Topic(s) Requested (In your own words)

Additional information.

Please dispatch Reply to: *(if different from enquirer's details as stated on this form)*

Name

Address

Postcode

E-mail

(NB. Only fill out this information if you consent to the data being sent to you via e-mail).

DATA SUBJECT DECLARATION

I/we request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I/we agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I/we understand that our request can be refused if sufficient information to enable the school to perform the search is not provided.

I/we consent to the reply being disclosed and sent to me at my stated address or E-mail address (if supplied on this form.) (or to the Dispatch Name and Address or e-mail (if supplied on this form) above who I have authorised to receive such information).

In the case of the child/children being aged over 12 years old, I/we agree that written permission will be sought (and witnessed by a senior member of School staff) from the child before their personal data is released.

Signature of Data Subject's Parent/s/Legal Guardian/s

.....

Full name of Data Subject's Parent/s/Legal Guardian/s

(PRINTED)

.....

Dated

Appendix 2

STUDENT ACCESS TO PERSONAL DATA CONSENT

DATA PROTECTION ACT 1998 Section 7

Student's Surname.....

Student's Fore Names.....

Date of Birth.....

Student's Address

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I am aware that my parent/s or guardian with parental responsibility has requested access to my personal data under the Data Protection Act 1998, Section 7.

As I am over 12 years of age, I understand that I am required to give my written consent before my personal data can be released.

I have read their formal request and I do / Do not (delete as required) give my permission for my personal data to be released to them.

Signed.....

Full Name

Witnessed by

Position.....

Date.....