Christ Church C of E School Clifton

Together We Learn

Data and Personal Information Protection Policy

Review Details and Document History:

Next review due:	May 2019	
Committee responsible:	Finance	
Document location:	Website:	
	Governor hub:	Y
	I: Management/ Policies:	Y

Version	Reason for document	Date	Key changes	Current author (reviewer)
1.0	New doc in line with EPM model policies	24.4.17	Previously BCC policy	TJ (CD)
2.0	Updated in line with new GDPR standards	14.5.18	Add in responsibilities, rights to access information	TJ (CD)

Contents:

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1. Introduction

1.1 Christ Church School needs to keep information about our pupils, staff and other users to allow us, for example to monitor performance/achievement, Human Resources or safeguarding reasons.

1.2 The school will comply with the Data Protection Principles which are set out in the various acts relating to Data Protection.

Data Controller, Data Protection Officer and the Designated Data Protection Leads:

1.3 The school, as a body, is the Data Controller, and the Governors are therefore ultimately responsible for implementation.

1.4 The school have identified: Audit-West as its Data Protection Officer.

1.5 The school has identified its Designated Data Leads who will deal with day to day matters as: The Head Teacher, Deputy Head Teacher, and the School Business Manager.

2. Definitions

2.1 Data is information which is stored electronically, on a computer, or in certain paper-based filing systems (e.g personnel files).

2.2 Data subjects for the purpose of this policy include all living individuals about whom we hold personal data. All data subjects have legal rights in relation to their personal information.

2.3 Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (for example, a name and address or date of birth) or it can be an opinion about that person, their actions and behaviour.

2.4 Data controllers are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with the DPA (Data Protection Act).

2.5 Data users are those of our employees whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.

2.6 Data processors include any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.

2.7 Processing is any activity that involves the use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring data to third parties.

2.8 Sensitive personal data includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive personal data can only be processed under strict conditions.

3. Data Protection Principles

3.1 Anyone processing personal data must comply with the eight enforceable principles of good practice. These provide that personal data must be:

a) Processed fairly and lawfully.
b) Processed for limited purposes and in an appropriate way.
c) Adequate, relevant and not excessive for the purpose.
d) Accurate.
e) Not kept longer than necessary for the purpose.
f) Processed in line with data subjects' rights.
g) Secure.
h) Not transferred to people or organisations situated in countries without adequate protection.

4. Responsibilities

4.1 Responsibilities of the School:

The school is committed to protecting and respecting the confidentiality of sensitive information relating to staff, pupils, parents and governors. This implies that:

a) all systems that involve personal data or confidential information will be examined to see that they meet the Data Protection Principles and Information Security guidelines
b) the school will inform all users about their rights regarding data protection
c) the school will provide training to ensure that staff know their responsibilities
d) the school will monitor its Data Protection and Information Security processes on a regular basis, changing practices if necessary.
e) systems and staff data processing will be audited once a year internally (by a Data Protection Lead and the Data Protection Governor) and once a year externally (by the Data Protection Officer)
f) a statement of intent (Privacy Notice) with regard to collection, processing, retrieval and deletion of data for both pupils and staff is listed in Appendix A & B and is published on the school website

4.2 Responsibilities of Staff:

All staff are responsible for checking that any information that they provide to the school about their employment is accurate and up to date.

All staff are also responsible for ensuring that any personal data they use in the process of completing their role:

a) is not in the view of others when being used
b) is kept securely in a locked filing cabinet or drawer when not being used
c) be password protected both on a local hard drive and on a network drive that is regularly backed up
d) USB sticks or other removable storage media are considered un-secure and are not used for processing school data
e) 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 or transgression of the above statements will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Staff will be required to read and sign an annual Code of Conduct which will include the principles of data protection.

4.3 Responsibilities of Parents/Guardians:

The school will inform the Parents/Guardians of the importance and how to make any changes to personal data. This includes an annual data collection sheet within the Home School Agreement which will be issued yearly and the collection recorded.

Other permissions will also be sought regarding matters such as the use of images and use of names in publicity materials on induction, annually or when required. The returns to these permissions will be verified and exemptions communicated to staff.

4.4 Responsibilities of Governors:

All Governors will be required to uphold the principles of data protection and to sign an annual Code of Conduct for Governors.

A Governor will be appointed annually as the Data Protection Governor and will be responsible for ensuring the principles of data protection are being upheld by the school. They will review twice a year the data protection systems and documentation; support the annual audit of the systems and support the school on any subject access requests or data breaches.

5. Nature of Information

5.1 We will only collect personal data to the extent that it is required for the specific purpose notified to the data subject.

5.2 We will ensure that personal data we hold is accurate and kept up to date. We will check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

6. Obtaining Information

6.1 We will process data about staff for legal, personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer, for example to pay, monitor performance and to confer benefits in connection with employment.

6.2 We may process sensitive personal data relating to staff including, as appropriate:

a) information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions as to the employee's fitness for work;
b) the employee's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
c) in order to comply with legal requirements and obligations to third parties.

7. Disclosure of Information

7.1 Personal data will be used only for the purpose for which it was gathered, unless the consent of the people concerned has been obtained to a new or varied use.

7.2 Where the school collects data regularly, it will state what the data is and ask for consent to use it in the manner deemed necessary.

7.3 In other cases the explicit consent of the data subject will be obtained in writing. Confirmation of consent by telephone is acceptable if a written request has been received which implies the consent of the data subject.

7.4 Access to personal data will be refused if the data user is uncertain whether the person requesting access, including another member of staff, is entitled to it.

7.5 Data will be routinely shared with the following 3rd parties as part of our contracted educational service – see below. Data is stored on approved education databases as listed in Appendix C

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)

8. Rights to Access Information

8.1 All staff, parents/guardians and other users are entitled to:

a) know what information the school holds and processes about them
b) know how to gain access to view the data

c) know how to keep it up to date
d) know what the School is doing to comply with its obligations under the Act
e) The school will place on its website a Privacy Notice regarding the personal data held about them and the reasons for which it is processed

8.2 All staff, parents and other users have a right to ask to view personal data being kept about them or their child. Any person who wishes to exercise this right should make a Subject Access Request (record of SAR at Appendix D) in writing and submit it to the Headteacher.

8.3 The school aims to comply with requests for access to personal information as quickly as possible and in compliance with advice from the Information Commissioner's Office and other professional agencies.

8.4 There is a separate policy for the processing of Freedom of Information requests.

9. Access to Staff Personal Files

9.1 Staff are entitled to know if the school holds information about them and must make a formal written request for information held about them addressed to the Headteacher or Chair of Governors.

9.2 Information which would disclose the identity of a third person is exempt from access, unless the consent of the source is available or it is reasonable in all the circumstances to comply with the subject access request without the third party's consent under section 7 of the DPA. Personal data may be exempt for other reasons under the DPA.

9.3 Requests for access to personal data will be dealt with within 30 days of receipt of sufficient information to process the request.

10. Purposes of Information and Length of Time Retained

Data will be held as indicated in Appendix G. We will not keep personal data longer than necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy or erase from our systems, all data which is no longer required.

11. Reporting incidents

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 Teacher, in the first instance.

12. Standards of Security

The School will determine and maintain an appropriate level of security (and back–up) for its premises, equipment, network, programs, data and documentation, and will ensure that access to them is restricted to appropriate staff. Sensitive data will be stored in secure locations – lockable cupboards or restricted electronic storage.

Any data breaches will be recorded in a Data Breach Record (see Appendix E), the DPO (Data Protection Officer) notified, and the ICO (information commissioner's office) notified if deemed necessary by the DPO.

Any new project undertaken by the school that involves data, will be analysed through a Privacy Impact Assessment (see Appendix F) before progressing.

13. Training

All employees who handle personal data will receive training on data protection procedures, which includes information about the standards the School expects its employees to observe in the use of personal data. Induction of new staff will include necessary reference to data protection.

14. References

The Governing Body will comply with DfE guidance on references as amended from time to time in particular in relation to safeguarding children and safer recruitment in education.

Appendix A: Privacy Notice (How we use pupil information)

Format modelled on DfE Privacy notice

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information,
- Relevant medical information,
- Special educational needs information, exclusions / behavioural information

Why we collect and use this information

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing

The lawful basis on which we use this information

We collect and use pupil information under Article 6 - the contract to provide educational services.

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing pupil data

We hold pupil data for:

- Admissions – date of leaving + 6years
- Attendance – date of register + 3years
- Absence requests – date of absence + 2years
- Public assessments – year of assessment + 6years
- Internal assessments – year of assessment + 5years
- Pupils work – current year + 1year
- SEN – closure + 35years
- Child protection – date of birth + 25years

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to https://www.gov.uk/education/data-collection-and-censuses-for-schools.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data

- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: https://www.gov.uk/government/publications/national-pupil-database-requests-received

To contact DfE: https://www.gov.uk/contact-dfe

Requesting access to your personal data:

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the School Business Manager via the school office email: christ.church.p@bristol-schools.uk

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at https://ico.org.uk/concerns/

Contact
If you would like to discuss anything in this privacy notice, please contact:

School Data Protection Lead- the School Business Manager or

Audit-West the appointed School Data Protection Officer

Appendix B: Privacy Notice (How we use school workforce information)

Format modelled on DfE Privacy notice

The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)

Why we collect and use this information

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid

The lawful basis on which we process this information

We process this information under Article 6 - the contract to provide educational services.

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

Storing this information

We hold school workforce data for

- Staff personnel files – date of leaving + 7years
- Interview notes – date of interview + 6months
- Payslips – date of leaving + 6years
- Annual appraisal – current year + 5years
- Accident/ injury records – date of incident + 12years
- Disciplinary records – date of warming + 6-18months as appropriate
- Maternity records – current year + 3years
- Pension records - date of leaving + 6years

Who we share this information with

We routinely share this information with:

- our HR & Payroll Provider
- the Department for Education (DfE)

Why we share school workforce information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our pupils with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to https://www.gov.uk/education/data-collection-and-censuses-for-schools.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

To contact the department: https://www.gov.uk/contact-dfe

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact the School Business Manager

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at https://ico.org.uk/concerns/

Further information

If you would like to discuss anything in this privacy notice, please contact:

School Data Protection Lead- the School Business Manager or

Audit-West the appointed School Data Protection Officer

Appendix C: 3rd party information sharing

Organisations with which we share pupil, staff or governor information either for the purposes of data storage or national education operation:

Department of Education
Bristol Local Authority
Schools which pupils have come from or are going to
School catering
School wrap around care
Companies House
HR & Payroll Provider
Accountancy provider
External education professionals
School photographer
External trips and residential camps
Legal provider
IT provider
Website provider
Financial packages
Governor portal
Pupil database
Pupil assessment database
Payment portal

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Appendix D: Subject Access Request Record

Name of data subject: _____

Name of person who made request: _____

Date request received: ____/____/____

Contact DPO: ____/____/____

Date acknowledgement sent: ____/____/____

Name of person dealing with request: _____

	Notes (Overwrite the statements in grey)
Are they entitled to the data?	If no reply stating reasons and/or ask for proof
Do you understand what data they are asking for?	If no, ask requestor for clarity
Identify the data	What data sources, where they are kept
Collect the data required	You may need to ask others – state a deadline in your request.
Do you own all the data?	If no, ask third parties to release external data. If data is supplied by another agency such as Psychology Service, you do not own the data.
Do you need to exempt/redact data?	If exempting/redacting be clear of your reasons Document name, data exempted/redacted, why.
Is the data going to be ready in time?	Record delays and reasons. Communicate with requestor stating reason for delay and asking if they would like the data you have collected so far.
Create pack	Make sure that the data is in an easy to access format: paper, word, excel etc.
Inform requestor you have the data	Ask them how they would like it delivered
Deliver data	Ask for confirmation/special delivery?

At all stages your DPO or Data Protection lead will be able to provide you with advice.

Date request completed: ____/____/____

(within 30 days of request)

Signed off by: _____

Appendix E: Data Breach Record

Date: / /	Person responsible for dealing with breach				
Outline of breach					
Which data subjects are involved					
Data type involved					
Reported by					
Phone/email sent to DPO	y/n	Is this high risk?	y/n	Report to ICO	y/n
Date reported to data subjects					
Actions taken					
Preventative action suggestions – including training					
Notes					
Actions approved by		Date	/ /		

Appendix F: Privacy Impact Assessment

What is the aim of the project?
What data will be collected?
How will the data be collected?
Where will the data be stored?
How will the data be shared?
How will the data be amended or deleted?
Identified risks (Issues, Risk to individuals, Compliance Risk, School Risk, Possible Solution)
Signed Off by: Date:

Headteacher: Clare Jones
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