



Data Protection Policy

Signed Chair of Governors following approval by Governing Body:

S.P. Smil

Date: 16th March 2015

Date next review due: March 2017

Person/Committee responsible for review: Governing Body

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Statement of intent

Culgaith CE School is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the Data Protection Act 1998.

This policy will outline how Culgaith CE School will comply with the key principles of the Data Protection Act:

- Data must be processed fairly and lawfully.
- Data must only be acquired for one or more lawful purposes and should not be processed for other reasons.
- Data must be adequate, relevant and not excessive.
- Data must be kept accurate and up-to-date.
- Data must not be kept for longer than is necessary.
- Data must be processed in accordance with the data subject's rights.
- Appropriate measures must be taken to prevent unauthorised or unlawful access to the data and against loss, destruction or damage to data.
- Data must not be transferred to a country or territory unless it ensures an adequate level of protection for the rights of the subject.

Signed by

Head Teacher:

Lynette

Date: 16 March 2015

Chair of Governors:

S.P. Smil

Date: 16 March 2015

Next review date: March 2017

Data controller

The Culgaith CE School as the corporate body is the Data Controller.

The governing body of Culgaith CE School therefore has overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations.

The Head Teacher will deal with the day-to-day matters relating to data protection.

Staff responsibilities

Culgaith CE School recognises that its staff members and pupils need to know what the Culgaith CE School does with the information it holds about them.

All staff members, including members of the school governing body will receive training in their responsibilities under the Data Protection Act as part of their HR induction.

Parents are able to access a copy of Culgaith CE School Data Protection Policy on the school website.

Staff members and parents are responsible for checking that any information that they provide to the school in connection with their employment or in regard to a registered pupil is accurate and up-to-date.

The school cannot be held accountable for any errors unless the employee or parent has informed the school about such changes.

Data security

Staff members of Culgaith CE School will ensure that personal data is secured in accordance with the provisions of the Data Protection Act by:

- Keeping the data in a locked filing cabinet.
- Ensuring that computerised data is coded, encrypted or password protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- Where data is saved on removable storage, holding the storage device in a locked filing cabinet, drawer or safe.

Culgaith CE School takes its duties under the Data Protection Act seriously and any unauthorised disclosure may result in disciplinary action.

Subject Consent

Culgaith CE School understands that subjects have certain legal rights to their personal data, which will be respected.

- The school will not process personal data without the consent of the subject, although the processing of data will sometimes be necessary where:
- The processing is necessary for the performance of a contract to which the subject is party or in the taking of steps with a view to entering a contract.
- The processing is necessary for compliance with a legal obligation to which the school is subject.
- The processing is necessary for the administration of justice, legal functions of persons or departments, or functions of a public nature exercised in the public interest.
- Where the processing is necessary for the purposes of legitimate interests of the school unless the decision prejudices the rights, freedoms or legitimate interests of the subject.

Staff members of the school will be working in close contact with children. Disclosure and Barring Service (DBS) checks will therefore be made a condition of employment in order to ensure that potential employees do not pose a threat or danger.

Sensitive data can only be processed with the explicit consent of the subject, including information relating to a subject's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, their sex life, or the commission of any offence.

Sensitive data will only be processed if:

- It is necessary to protect the subject's vital interests.
- It is carried out in the course of legitimate activities by a not for profit body or association with appropriate safeguards.
- It is necessary for the administration of justice or other legal purposes.
- It has been ordered by the Secretary of State.
- It is necessary to prevent fraud.
- It is necessary for medical purposes.
- It is necessary for equality reasons.
- It was made public deliberately by the data subject.

Rights to access information

All staff members, parents of registered pupils and other users are entitled to:

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

All staff members, parents of registered pupils and other users have the right under the Data Protection Act 1998 to access certain personal data being held about them or their child.

The school aims to comply with requests for access to personal information as quickly as possible, but will ensure that it meets its duty under the Data Protection Act to provide it within 40 working days.

The school may make a charge, no more than £10.00 on each occasion that access is requested.

However, the school is not obliged to provide unstructured personal data if the administrative cost is deemed to exceed the limit of £450 as contained in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations.

Publication of information

Culgaith CE School will publish a publication scheme on its website outlining classes of information that will be made routinely available, including:

- School policies and procedures.
- Minutes of meetings.
- Annual reports.
- Financial information.

Classes of information specified in the publication scheme will be made available quickly and easily on request.

Data retention

The Data Protection Act 1998 states that data should not be kept for longer than is necessary.

In the case of Culgaith CE School unrequired data will be deleted as soon as practicable.

Some educational records relating to a former pupil or employee of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

Records of DBS checks will be destroyed immediately, although the date that the check was made will be retained in the school file

Challenges and compensation

Culgaith CE School understands that staff members and the parents of registered pupils have the right to prevent the processing of personal data if it is likely to cause damage or distress.

Concerns related to the processing of personal data should be raised with the Head Teacher.

Data subjects reserve the right to take their concerns to a court of law and will be entitled to compensation if it is judged that the school contravened the provisions of the Data Protection Act.

Individuals who are not the subject of the data, but suffer damage as a result of the contravention, are also entitled to compensation.

The school will immediately rectify, block, erase or destroy any data that a court of law judges to have contravened the requirements of the Data Protection Act.

ACCESS TO PERSONAL DATA REQUEST

(Subject Access Request – SARS)

DATA PROTECTION ACT 1998 (Section 7)

Enquirer's Surname		Enquirer's Forenames	
Enquirer's Address			
Enquirer's Postcode:			
Enquirer's Tel No.			
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:			
Description of Concern / Area of Concern			
Description of Information or Topic(s) Requested (In your own words)			
Additional Information			

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

Name:

Address:

Postcode:

DATA SUBJECT DECLARATION

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

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent) _____

Name of "Data Subject" (or Subject's Parent) (PRINTED) _____

Dated _____

PRIVACY NOTICE for the school workforce employed or otherwise engaged to work at a school

Privacy Notice - Data Protection Act 1998

We, Culgaith CE School are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school about those employed or otherwise engaged to work at the school. This is to assist in the smooth running of the school and/or enable individuals to be paid. This personal data includes some or all of the following: identifiers such as name and National Insurance Number; characteristics such as ethnic group; employment contract and remuneration details; post "A" level qualifications; and absence information.

The collection of this information will benefit both national and local users by:

- improving the management of school workforce data across the sector;
- enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- informing the development of recruitment and retention policies;
- allowing better financial modelling and planning;
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body.

We are required by law to pass on some of this data to:

- the Local Authority (LA)
- the Department for Education (DfE)

If you require more information about how the Local Authority (LA) and/or DfE store and use this data please go to the following websites:

<http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/schools/privacynotice.asp>

and

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>¹

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- Performance Unit
Children's Services
5 Portland Square
Carlisle
CA1 1PU
website: www.cumbria.gov.uk/childrensservices
email: ros.dean@cumbria.gov.uk
Tel: 01228 221271
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
website: <https://www.gov.uk/government/organisations/department-for-education>
email: info@education.gsi.gov.uk
Tel: 0370 000 2288

We will not give information about you to anyone outside the school or LA without your consent unless the law and our rules allow us to.

PRIVACY NOTICE for pupils in schools, early years' settings, alternative provision and pupil referral units

Privacy Notice - Data Protection Act 1998

We, Culgaith CE School are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

We are required by law to pass some information about you to the Local Authority (LA) and the Department for Education (DfE)

If you want to see a copy of the information about you that we hold and/or share, please contact the school administrator.

If you need more information about how the LA and/or DfE store and use your information, then please go to the following websites:

<http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/schools/privacynotice.asp>
and
<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data> 

If you cannot access these websites please contact the LA and/or DfE as follows:

- Performance Unit
Children's Services
5 Portland Square
Carlisle
CA1 1PU
website: www.cumbria.gov.uk/childrensservices
email: ros.dean@cumbria.gov.uk
Tel: 01228 221271
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
website: www.education.gov.uk
email: <http://www.education.gov.uk/help/contactus>
Tel: 0370 000 2288