

# Darland High School Data Protection Policy

September 2022

## Introduction

**Darland High School** collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations. Darland School looks after data under the advice of the Local Education Authority.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

## Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

## What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

## Data Protection Principles

The Data Protection Act 2018 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. It is the responsibility of every member of staff to ensure that the contact data the school hold for them, is up to date.
7. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 2018;
8. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
9. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

## **General Statement**

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform the parents of pupils starting at the school, details of what information the school will hold on the pupil, how the information is used and with whom it is shared. This notice will also give pupils the option of opting out of the data sharing which forms part of the Unique Learner Number system.
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so.
- In cases where on-line software tools require pupil information, the school will only proceed with the sharing of information after documentary assurances have been received as to the security of the information shared. The protocol for sharing such information will be via MIS.
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests (see Appendix 1)
- Ensure our staff are aware of and understand our policies and procedures

## **Responsibilities**

1. All personnel employed by the School have a responsibility to keep data secure.
2. The School's Data Officer, acting under the direction of the Headteacher, for secure management and safe disposal of all data.
3. Information stored on the School's Management Information (currently SIMS) is kept on the Local Authority's secure servers along with all other electronic data and is subject to the Local Authority's data security protocol.
4. Child Protection records are the responsibility of the Child Protection Officer.
5. Health and Safety records are the responsibility of the Health and Safety Officer.
6. Financial records are the responsibility of the Business Manager.
7. Governance records are the responsibility of the Business Manager, acting under the direction of the Clerk to Governors.
8. All attendees of meetings, where meetings are recorded (only with the permission of all in attendance), the recordings and details therein are not to be shared with third parties (persons not in attendance).
9. Pupil information is the responsibility of the Examination Officer and the School Office team.
10. Management information is the responsibility of the Headteacher's secretary and the Business Manager.

## **Further points**

1. **Storage of pupil information by teachers.**

Personal information on both students and staff should not be stored on any computer system other than that which is owned by the school and password protected. Sensitive information of this nature should never be stored on any data storage device, unless in encrypted form.

**2. Additional Learning Needs information.**

The School acknowledges that in order to do their jobs, staff in the school need access to printed records detailing sensitive personal student information concerning learning potential, Additional Learning Needs and medical details. In order to keep this information in one document, the School publishes such data in a 'Blue Book' at the beginning of each school year. However, the School impresses upon all staff the need to keep all such printed matter securely and destroy the Blue Book at the end of the school year.

Reports on individual students by outside agencies such as Educational Psychologists and medical practitioners will normally only be seen by the Additional Learning Needs Coordinator. However, provided that permission has been obtained by the parent to share with key members of staff, this information can have a wider circulation, provided that any printed matter is kept securely by the ANCO. At the end of the school year, the 'Blue Book' containing sensitive pupil data (medical and ALN) will be returned to the business manager by the teacher for safe disposal.

**3. Breaches in data protection.**

Should a breach occur in the school's data protection, the school will inform the Information Commissioners' Office within 72 hours of the breach being noticed.

**Complaints**

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

**Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

**Contacts**

If you have any enquires in relation to this policy, please contact the Headteacher who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.org.uk](http://www.ico.org.uk) or telephone 01625 5457453

## **Appendix 1**

### **Darland High School**

Procedures for responding to subject access requests made under the Data Protection Act 2018

#### **Rights of access to information**

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 2018 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 2018.

#### **Actioning a subject access request**

1. Requests for information must be made in writing; which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.
4. The school may make a charge for the provision of information, dependent upon the following:



- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
  - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.
5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought.
  6. The Data Protection Act 2018 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure**.
  7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.
  8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
  9. If there are concerns over the disclosure of information then additional advice should be sought.
  10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
  11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
  12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.org.uk](http://www.ico.org.uk)



## Appendix 2.

### Darland High School Document Retention Policy

#### Rationale

This policy sets out the time limits for various documentation to be held by the school. Storage of documentation subject to data protection, is set out in the data protection policy. The School's Data Officer has responsibility for the secure management of all records, including overseeing disposal of records according to the schedule below.

1. PUPIL INFORMATION					
Basic file description	Data Protection Issues	Statutory Provision	Retention Period	Action at the end of the administrative life of the record	
1.1 Admission Register	Yes	None	Indefinitely (in electronic form in the School's Management Information System)		
1.2 Attendance Registers	Yes	None	Indefinitely (in electronic form in the School's Management Information System)		
1.3 Pupil record cards	Yes	None	Retained in School for five years after the end of Year 11 and then transferred to LA archives. The exception to this is when a pupil transfers to another school, when their file is sent (registered post) to the receiving school.		
1.4 Pupil Files	Yes	Yes	Retained in School for five years after the end of Year 11 and then transferred to LA archives. The exception to this is when a pupil transfers to another school, when their file is sent (registered post) to the receiving school.		
1.5 Letters authorising absence	No	None	Information transferred to MIS and paper copy destroyed on day of receipt	SHRED	
1.6 Public Examination Certificates	Yes	None	Year of examination + 2 years	SHRED	
1.7 Special Educational Needs Files	Yes	Special Educational Needs and Disability Act 2001 Section 1	Retained in School until the pupil leaves, then placed along with the pupil's main file and retained in school for 5 years, after which it is transferred to the LA for archiving.		
1.8 Any other records created in the course of contact with pupils	Yes/No		Transferred to individual pupil files after any action necessary. (See Pupil Files above for retention schedule)		

<b>2. MANAGEMENT INFORMATION</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provision</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
2.1 Official School Correspondence	Yes	None	3 Years	SHRED	
2.2 School Visitors Book	No	None	6 Years	SHRED	
2.3 Minutes of SLT and other staff meetings	Yes	None	6 Years	SHRED	
2.4 Staff personnel files	Yes	None	Termination of contract + 6 years	SHRED	
2.5 Staff Performance Management Documents	Yes	Yes	Termination of contract + 6 years	SHRED	
2.6 School Development Plans	No	Yes	End of plan + 6 years	SHRED	
2.7 Financial Records	No	Yes (for Audit)	10 years from date of transaction	SHRED	
2.7 Records created by head teachers, deputy head teachers, heads of year and other members of staff (except child protection records)	Yes	None	Closure of file + 5 years	SHRED	

<b>3. CHILD PROTECTION</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provision</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
3.1 Child Protection Files	Yes	Education Act 2002, s175, related guidance "Safeguarding Children in Education". September 2004	DOB + 25 years	SHRED	<p>Child protection information must be copied and sent under separate cover to new school/college whilst the child is still under 18 (i.e. the information does not need to be sent to a university for example)</p> <p>Where a child is removed from roll to be educated at home, the file should be copied to the local</p>



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<b>4. GOVERNANCE</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
4.1 Governors' Correspondence	Yes		Permanent for the life of the school		
4.2 Minutes Signed by Chair	Yes (in Part 2)		Permanent for the life of the school		
4.3 Agendas	No		Date of meeting		
4.4 Reports (to form part of the relevant minutes)	No		Permanent for the life of the school		
4.5 Annual Report to Parents	No		Permanent for the life of the school		
4.6 Framework of Governance	No		Permanent		
4.7 Policy documents	No		Expiry of policy		
4.8 Complaints files	Yes		Date of complaint + 6 years		

<b>5. HEALTH AND SAFETY</b>					
<b>Basic file description</b>	<b>Data Protection Issues</b>	<b>Statutory Provisions</b>	<b>Retention Period</b>	<b>Action at the end of the administrative life of the record</b>	
5.1 Accessibility Plans		Disability Discrimination Act	Current year + 6 years	SECURE DISPOSAL	
5.2 Accident Reporting		Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social Security Administration Act 1992 Section 8. Limitation Act 1980	Permanent for the life of the school		
5.3 COSHH			Current year + 10 years		