



Data Protection

March 2017

Approved by GB: March 2017

Next review due: March 2018

Rationale

Churchfields Junior School is committed to a policy of protecting the rights and privacy of individuals, including pupils, staff and others, in accordance with the DPA.

Churchfields Junior School needs to process certain information about its staff, pupils and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- the recruitment and payment of staff
- the administration of programmes of study
- the recording of a pupil's progress
- agreeing awards
- collecting fees
- complying with legal obligations to funding bodies and government

To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 1998, Churchfields Junior School must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

Associated Policies

- Safeguarding Policy
- Acceptable Use Agreements
- Health and Safety Policy
- Behaviour Policy

Compliance

This policy applies to all governors, staff and pupils of Churchfields Junior School. Any breach of this policy, or of the Act itself will be considered an offence and the school's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with Churchfields Junior School, and who have access to personal information, will be expected to read and comply with this policy. It is expected that individuals who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

The Information Commissioner's Office (ICO) gives further detailed guidance and Churchfields Junior School will comply with ICO guidance.

The Data Protection Act, 1998

This piece of legislation came into force on 1 March 2000. The DPA regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request' (sample held at Appendix A – The fee of £25 is required for the school to complete these). Personal data is information relating to an individual and may be in hard or soft copy (paper/ manual files; electronic records; photographs), and may include facts or opinions about a person.

The DPA also sets out specific rights for pupils in relation to educational records held within the state education system. These rights are set out in separate education regulations 'The Education (Student Information) (England) Regulations 2000.' For more detailed information on these Regulations see the Data Protection Guide on the ICO website.

Responsibilities under the DPA and Registration

Churchfields Junior School will be the 'data controller' under the terms of the legislation - this means it is ultimately responsible for controlling the use and processing of the personal data.

The Headteacher is responsible for all day-to-day data protection matters, and she will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the school.

Churchfields Junior School is registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

The Headteacher is also responsible for ensuring that Churchfields Junior School's notification is kept accurate. Details of Churchfields Junior School's notification can be found on the ICO website.

Compliance with the legislation is the responsibility of all members of Churchfields Junior School who process personal information.

Individuals who provide personal data to Churchfields Junior School are responsible for ensuring that the information is accurate and up-to-date.

Definitions

Data Controller:	Any individual or organisation who controls personal data, in this instance Churchfields Junior School.
Personal Data:	Data which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.
Sensitive Personal Data:	Personal data relating to an individual's race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life and criminal activities.
Relevant Filing System:	Also known as manual records i.e. a set of records which are organised by reference to the individual/their criteria and are structured in such a way as to make specific information readily accessible e.g. personnel records, microfiches.
Data Subject:	An individual who is the subject of the personal data, for example, employees, pupils, claimants etc.
Processing:	Obtaining, recording or holding data or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting,

using, disclosing, disseminating, aligning, blocking, erasing or destroying the data.

Accessible Records:

Any records which are kept by the Organisation as part of a statutory duty, e.g. student, housing tenancy records, social services records.

Parent:

Has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

Data Protection Principles

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. In order to comply with its obligations, Churchfields Junior School will:

Process personal data fairly and lawfully

Churchfields Junior School will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

Process the data for the specific and lawful purpose for which it collected that data, and not further process the data in a manner incompatible with this purpose. Churchfields Junior School will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.

Churchfields Junior School will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

Keep personal data accurate and when necessary up to date

Churchfields Junior School will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify Churchfields Junior School if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of Churchfields Junior School to ensure that any notification regarding the change is noted and acted on.

Only keep personal data for as long as is necessary

Churchfields Junior School will not retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means Churchfields Junior School will undertake a regular review of the information held and implement a weeding process when necessary, e.g. pupils or a member of staff leaves Churchfields Junior School.

Churchfields Junior School will dispose of any personal data in a way that protects the rights and privacy of the individual concerned.

Data Protection Principles

The School will process personal data in accordance with the rights of the data subject under the legislation

Individuals have various rights under the legislation including:

- a right to be told the nature of the information Churchfields Junior School holds and any parties to whom this may be disclosed;
- a right to prevent processing likely to cause damage or distress;
- a right to prevent processing for purposes of direct marketing;

- a right to be informed about the mechanics of any automated decision making process that will significantly affect them;
- a right not to have significant decisions that will affect them taken solely by automated process;
- a right to take action to rectify, block, erase, or destroy inaccurate data;
- a right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened;

Churchfields Junior School will only process personal data in accordance with individuals' rights.

Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Churchfields Junior School will ensure that all personal data is accessible only to those who have a valid reason for using it.

Churchfields Junior School will have in place appropriate security measures e.g.

- ensuring that hard copy personal data is kept in lockable filing cabinets/ cupboards with controlled access;
- keeping all personal data in a lockable room with key-controlled access;
- password protecting personal data held electronically;
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not be visible except to authorised staff.

In addition, Churchfields Junior School will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste', and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal, or if that is not possible, destroyed physically.

This policy also applies to staff and pupils who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

Ensure that no personal data is transferred to a country or a territory outside the European Economic Area unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Churchfields Junior School will not transfer data to such territories without the explicit consent of the individual.

This also applies to publishing information on the Internet - because transfer of data can include placing data on a website that can be accessed from outside the EEA - so Churchfields Junior School will always seek the consent of individuals before placing any personal data (including videos and photographs) on its website.

If Churchfields Junior School collects personal data in any form via its website, it will provide a clear and detailed privacy statement prominently on the website, and wherever else personal data is collected.

Consent as a basis for processing

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when schools are processing any sensitive data, as defined by the

legislation.

Churchfields Junior School understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via signing a form), whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

Churchfields Junior School will ensure that any forms used to gather data on an individual will contain a statement (Privacy Notice - formerly known as Fair Processing Notice) explaining the use of that data, how the data may be disclosed, and also indicate whether or not the individual needs to consent to the processing.

Churchfields Junior School will ensure that if the individual does not give her consent for the processing, and there is no other lawful basis on which to process the data, then steps will be taken to ensure that processing of that data does not take place.

Fair processing

Under the "Fair Processing" requirements in the Data Protection Act, Churchfields Junior School will inform staff and separately parents/carers of all pupils of the data they hold on the staff member or pupils, the purposes for which the data is held and the third parties (e.g. LA, DfE, QCA, Connexions etc.) to whom it may be passed. This fair processing notice, now known as a Privacy Notice will be passed to staff when they join Churchfields Junior School and parents/carers through a letter. Parents/carers of young people who are new to Churchfields Junior School will be provided with the Privacy Notice through Data Collection Letters in the New Entrants Booklet.

Subject Access Rights (SARS)

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a student, Churchfields Junior School policy is that:

- Requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the student, unless it is clear that the student does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child (where they are entitled to do so) will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

Processing Subject Access Requests

Requests for access must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form (see Appendix A), available from the Admin Office. Completed forms should be submitted to the Admin Office. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (**if different**), the type of data required (e.g. Pupil Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

Note: In the case of any written request from a parent regarding their own child's education record,

access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

Authorised Disclosures

Churchfields Junior School will, in general, only disclose data about individuals with their consent. However there are circumstances under which Churchfields Junior School's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- The performance of a contract to which the Data Subject is a party or for taking steps at their request to enter into a contract;
- Compliance with any legal obligation (other than a contractual obligation) to which the Data Controller is subject;
- To protect the vital interests of the Data Subject;
- For the administration of justice or the exercise of any functions conferred on any person by or under any enactment; and
- For the purposes of legitimate interests pursued by the Data Controller or by third parties to whom Data is disclosed provided it would not prejudice the rights and freedoms or legitimate interests of the Data Subject.

Examples include using: -

- Pupil data disclosed to authorised recipients related to education and administration necessary for Churchfields Junior School to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of Churchfields Junior School.
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside Churchfields Junior School. Officers and IT personnel writing on behalf of the LA are IT liaison/data processing officers, for example in the LA, are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within Churchfields Junior School by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the Academy who need to know the information in order to do their work. Churchfields Junior School will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else - including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

Publication of School Information

Churchfields Junior School publishes various items which will include some personal data, e.g.

- internal telephone directory

- event information
- staff information
- lists of pupils

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted to internal Churchfields Junior School access only. Therefore it is Churchfields Junior School policy to offer an opportunity to opt-out of the publication of such when collecting the information.

Staff records appertaining to individual staff will remain of a confidential nature between the Headteacher and the School Business Leader.

Email

It is the policy of Churchfields Junior School to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on Churchfields Junior School's email.

Under the Regulation of Investigatory Powers Act 2000 and the Lawful Business Practice Regulations, any email sent to or from Churchfields Junior School may be accessed by someone other than the recipient for system management and security purposes.

CCTV

There are some CCTV systems operating within Churchfields Junior School for the purpose of protecting school members and property. Churchfields Junior School will only process any personal data obtained by the CCTV system in a manner which ensures compliance with the legislation.

Video

In cases where Churchfields Junior School wishes to video classroom activities or performances Churchfields Junior School will ensure that consent forms are obtained from pupil's parents or carers when they first enter the school.

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs Churchfields Junior School of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy, make any amendments and returned signed to the School Office. The Admin Team will then update the data.

Where a data subject challenges the accuracy of their data, Churchfields Junior School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, Churchfields Junior School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Staff data will be checked annually via Data Checking Sheets.

Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Headteacher, to ensure that obsolete data are properly erased.

Identification of Data

Churchfields Junior School will ensure that all Churchfields Junior School staff, contractors working for it, and delivery partners, comply with restrictions applying to the access to, handling and storage of data.

Churchfields Junior School recognises that under Section 7 of the Data Protection Act, data subjects have a number of rights in connection with their personal data, the main one being the right of access. Procedures are in place to deal with Subject Access Requests i.e. a written request to see all or a part of the personal data held by the data controller in connection with the data subject. Data subjects have the right to know: if the data controller holds personal data about them; a description of that data; the purpose for which the data is processed; the sources of that data; to whom the data may be disclosed; and a copy of all the personal data that is held about them. Under certain circumstances the data subject can also exercise rights in connection with the rectification; blocking; erasure and destruction of data.

Data and Computer Security

Churchfields Junior School will ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

Physical Security

Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the Server and Hub rooms. Printouts are locked away securely when not in use. Visitors to Churchfields Junior School are required to sign in and out, to wear identification badges whilst in Churchfields Junior School and are, where appropriate, accompanied.

Logical Security

Security software is installed on all computers containing personal data.

- Churchfields Junior School will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them.
- All users will be given secure user names and strong passwords. User names and passwords must never be shared. Passwords should be changed regularly.
- Personal data may only be accessed on machines that are securely password protected. Any device that can be used to access data must be locked if left (even for very short periods) and set to auto lock if not used for five minutes.
- All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.
- Personal data can only be stored on Churchfields Junior School equipment (this includes computers and portable storage media).
- When personal data is stored on any portable computer system, USB stick or any other removable media:
 - the data must be encrypted and password protected;
 - the device must be password protected (many memory sticks/cards and other mobile devices cannot be password protected);
 - the device must offer approved virus and malware checking software;
 - the data must be securely deleted from the device, in line with Churchfields Junior School policy, i.e. once it has been transferred or its use is complete.
 - Churchfields Junior School has clear policy and procedures for the automatic backing up, accessing and restoring all data held on school systems, including off-site backups.

Procedural Security

In order to be given authorised access to the computer, staff will have to undergo checks and will

sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Further information can be found in the Acceptable Use Policy.

Overall security policy for data is determined by The Headteacher, and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.

Any queries or concerns about security of data in the school should in the first instance be referred to the Headteacher.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

Secure Transfer of Data and Access out of Churchfields Junior School

Churchfields Junior School recognises that personal data may be accessed by users out of Churchfields Junior School, or transferred to the LA or other agencies. In these circumstances:

- Users may not remove or copy sensitive or personal data from Churchfields Junior School or authorised premises without permission and unless the media is encrypted and password protected and is transported securely for storage in a secure location.
- Users must take particular care that computers or removable devices which contain personal data must not be accessed by other users (e.g. family members) when out of Churchfields Junior School.
- When data is required by an authorised user from outside Churchfields Junior School premises (for example, by a teacher or pupil working from their home or a contractor) they must have secure remote access to the management information system (MIS) or learning platform.
- Users must protect all portable and mobile devices, including media, used to store and transmit personal information using approved encryption software.
- Particular care should be taken if data is taken or transferred to another country, particularly outside Europe, and advice should be taken from the local authority in this event. (NB. to carry encrypted material is illegal in some countries).

Disposal of Data

Churchfields Junior School will comply with the requirements for the safe destruction of personal data when it is no longer required.

The disposal of protected data, in either paper or electronic form, must be conducted in a way that makes reconstruction highly unlikely. Electronic files must be securely overwritten and other media must be shredded, incinerated or otherwise disintegrated for data.

A Destruction Log will be kept of all data that is disposed of. The log should include the document ID, classification, date of destruction, method and authorisation.

Training and Awareness

All staff will receive data handling awareness/data protection training and will be made aware of their responsibilities, as described in this policy through:

- Induction training for new staff;

- Staff meetings/briefings/Inset;
- Day to day support and guidance from the Responsible Person.

Enquiries

1. Information about Churchfields Junior School's Data Protection Policy is available from the School Business Leader. General information about the Data Protection Act can be obtained from the Information Commissioners Office <https://ico.org.uk/>

A copy of this policy will be available to all employees and covered in new staff Induction Training. It will be reviewed annually, added to, or modified from time to time and may be supplemented in appropriate cases by further statements and procedures relating to the work of the particular groups of workers.

APPENDIX A

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 / Requested 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

