

# **PENLEE ACADEMY TRUST**

<b>DATA PROTECTION POLICY</b>
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## **Academies covered by this Policy:**

**Alverton Community Primary School**

**Newlyn School**

**Pensans Community Primary School**

Approved by Board of Trustees: March 2016

Signed:

To be reviewed following changes to legislation or March 2018

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## **1. INTRODUCTION**

The Board of Directors and the local Governing Body in each academy has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions. On a day to day basis the Trust designates the Business Manager the Data Protection Officer for the three Academies.

The Trust intends to comply fully with the requirements and principles of the Data Protection Act 1998.

This policy applies to all personal data held by the Trust. It encompasses paper records, data held on computer and associated equipment of whatever type and at whatever location used by or on behalf of the Trust.

This policy applies to all those who have access to personal data, whether employees, governors (or other public representatives), trustees, employees of associated organisations or volunteers. It includes those who work at home or from home, who must follow the same procedures as they would in an office environment.

## **2. DEFINITIONS**

Within this policy reference is made to certain terms that are explained below:

- **Data Subject** – an individual who is the subject of the personal data or the person to whom the information relates;
- **Processing** – obtaining, recording or holding the information or data;
- **Personal Data** – data which relates to a living individual who is identifiable;
- **Academy** – refers to each and every Academy included in the Trust.

## **3. MANAGING DATA AND DATA QUALITY**

### **3.1 Fair Collection and Processing**

The Trust takes its responsibility for collecting and using personal data very seriously and undertakes to do so both fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access. Wherever possible, information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting the data will explain the details before obtaining the information.

### **3.2 Registered Purpose**

The Data Protection Registration entries for the Academies within the Trust are available for inspection, by appointment at the appropriate School Office. (Addresses and contact details can be found under point 5 of this policy).

Explanation of any codes and categories entered is available from the Business Manager who is the person nominated to deal with the Data Protection issues within the Trust. Registered purposes covering the data held at each academy are listed on the Academy's Registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

### **3.3 Data Integrity**

The Trust undertakes to ensure data integrity by the following methods:

#### **Data accuracy**

Data will be as accurate and up to date as is reasonably possible. If a data subject informs the Academy of a change of circumstances their record will be updated as soon as is practicable.

Where a data subject challenges the accuracy of their data, the academy will immediately mark the record as potentially inaccurate or 'challenged'. In the case of any dispute, the academy will try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. 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 data is being held. In order to ensure compliance with this principle, the academy will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

#### **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 academy office staff to ensure that obsolete data is properly erased. The Trust uses the Information and Records Management Society Records Management Toolkit for Schools for guidance on retention periods. The Toolkit can be accessed on line at:

<http://www.irms.org.uk/resources/information-guides/199-rm-toolkit-for-school>

#### **Authorised disclosures**

The academies will, in general, only disclose data about individuals with their consent.

However, there are circumstances under which the academy's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the academy 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 the academy;
- 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 a computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the academy;
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the academies 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 ***needs to know*** the information in order to do their work. The academy 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 suggestions that they are, or have been, either the subject of or at risk of child abuse.

### **Websites and social media**

On school websites or social media academies will ensure that they do not publish personal information (including images) without permission from the individual concerned. Access to websites and social media will be monitored by the academies on a regular basis.

### **CCTV**

Images of people are covered by the Data Protection Act, and so is information about people which is derived from images – for example, vehicle registration numbers. Where CCTV is used on Trust premises the Trust will inform people if it is in use.

## **3.4 Data and computer security**

The Trust undertakes to ensure security of personal data by the following general methods such as –

### **Physical security**

Appropriate building security measures are in place on each academy site, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed access to personal files. Information will be locked away securely when not in use. Visitors to the academies are required to sign in and out, to wear identification badges whilst in the academy and are, where appropriate, accompanied.

### **Logical security**

Security software including firewalls are installed on all computers containing personal data and are updated on a regular basis. Where needed, mobile devices, including phones, memory sticks and laptops are also encrypted. Only authorised users are allowed access to the computer files. Security copies of computer files are taken regularly. Access to computer systems are password controlled and these passwords are changed regularly. Passwords are not shared with another person and are unique to the user.

### **3.5 Procedural Security**

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.

Overall security for data is determined by the Headteacher in each academy and is monitored and reviewed regularly, especially if a security breach becomes apparent.

Any queries or concerns about security of data in any of the academies should in the first instance be referred to the office staff of the appropriate academy.

Individual members of staff can be personally liable in some circumstances in law under the terms of the Data Protection Act. They may 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 a disciplinary matter, and serious breaches could lead to dismissal.

## **4. PROCESSING A SUBJECT ACCESS REQUEST**

Pupils have a right of access under the Data Protection Act 1998 to their own information. This is known as the right of subject access. When a child cannot act for themselves due to lack of capacity\* for example or the child gives explicit permission, parents will be able to access this information on their behalf.

\*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 view into account when making a decision.

### **As a parent, what sort of information can I access?**

You have a right to access your child's educational record. This covers information that comes from a teacher or other employee of a local authority, academy or school, the pupil or you as a parent, and is processed by or for the academy's governing body or teacher, except for information the teacher has solely for their own use. So it will cover information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority

employees and educational psychologists engaged by the academy's governing body. It may also include information from the child and from you, as a parent. Information provided by the parent of another child would not form part of a child's educational record.

### **As a parent, how can I access to my child's educational record?**

By making a request in writing to the Academy's local Governing Body. You can use the form at the end of this policy or you can contact the academy to request a copy is sent to you. Alternatively you can submit your request in a letter format provided you include all the information requested on the template.

### **How long should this take?**

A request for an educational record must receive a response within 15 school days.

### **How much will it cost?**

The academy can charge what it costs to supply a copy of the information. Full guidance on charging can be obtained from the Information Commissioners Office and the school may refer to that guidance on a case by case basis to ensure it is charging in accordance with the Regulations.

### **As a parent, when can I request other information about my child?**

You will be able to access all the information about your child if your child is unable to act on their own behalf or gives their permission. As a general guide, a child of 12 or older is expected to be mature enough to make this kind of request.

### **As a parent, are there circumstances where I could be denied access to my child's educational record?**

There are certain circumstances where the academy can withhold an educational record, for example, where the information might cause serious harm to the physical or mental health of the pupil or another individual.

### **As a pupil, what rights do I have to access my information?**

You have (or someone acting on your behalf has) the right to a copy of your own information. This is known as the right of subject access. However, academies may withhold information in certain circumstances, such as where serious harm may be caused to your physical or mental health or another individual, or where the request is for an exam script or for exam marks before they are officially announced.

## **What if the information you want involves information about another person?**

Information about another person may not always be available to you. Unless the other person gives their permission, or it is reasonable in the circumstances to provide the information without permission, the academy will be entitled to withhold this information.

### **5. Enquiries and further information**

For academy specific information and requests please contact the academy office as follows:

Alverton CP School  
Toltuff Crescent  
Alverton  
Penzance  
TR18 4QD  
Tel: 01736 364087

Email: [secretary@alverton.cornwall.sch.uk](mailto:secretary@alverton.cornwall.sch.uk)

Newlyn School  
Carne Road  
Newlyn  
Penzance  
TR18 5QA  
Tel: 01736 363509

Email: [secretary@newlyn.cornwall.sch.uk](mailto:secretary@newlyn.cornwall.sch.uk)

Pensans CP School  
Madron Road  
Penzance  
TR20 8UH  
Tel: 01736 363627

Email: [head@pensans.cornwall.sch.uk](mailto:head@pensans.cornwall.sch.uk)

For Penlee Academy Trust data protection information please contact the Business Manager c/o Alverton CP School as above.

To contact the Information Commissioner's Office:  
Wycliffe House Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113 (local rate) [www.ico.org.uk](http://www.ico.org.uk)



## Access to personal data request

Surname	
Forenames	
Enquirer's Address	
Enquirer's Postcode	
Telephone Number	
Are you the person who is the subject of the records you are enquiring about	YES / NO
If NO, Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about?	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)	
Please send reply to	

### Data subject declaration

I request that the Academy 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 .....