



Data Protection Policy

24th June 2015

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| Review Cycle | 2 Years |
| SLT member responsible | SR |
| Committee | Resources and Personnel |
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Litcham School Data Protection Policy

Litcham 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.

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 1998, 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 1998 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. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. 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 individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- 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
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

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 or telephone 01625 545745 (national rate) or 0303 123 1113 (local rate)



Appendix 1 - Procedures for responding to subject access requests made under the Data Protection Act 1998.

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 1998 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) (England) Regulations 2005.

These procedures relate to subject access requests made under the Data Protection Act 1998.

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 1998 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

Appendix 2 – School Web Site

The contact details on the Web site will be the school postal address, email address, fax and telephone number.

No personal contact details for any student will be published.

Photographs that include pupils will be selected carefully and will not enable individual pupils to be clearly identified. Where photographs that clearly show individuals in detail are required, permission from parents or carers will be obtained before such photographs are published on the school site.



Appendix 3 - Management Information Systems and Data Protection

The School makes widespread and daily use of data that is stored, processed, accessed and reported on using school computer systems and, in some instances, computers outside of the school. Data is held that refers to both students and staff employed by the School. The issue of data protection is taken very seriously and the School acknowledges its responsibility to comply fully with the letter and the spirit of the law in this regard. This policy will be reviewed at least annually to ensure that improvements are made and that good practice is maintained consistent with current legislation and compliance advice.

Relevant Legislation:

- The Education (Pupil Information)(England) Regulations 2005
- The Data Protection Act 1998
- Data Protection (Subject Access Modification)(Education) Order 2000
- The Children's Act 1989

Litcham School is registered under the Data Protection Act 1998, and the notification is renewed as required. Details of the "Notification to the Register" may be obtained from the School. The School aims to comply fully with the data protection principles, which state that personal information must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in accordance with an individual's rights
- Kept secure
- Not transferred without adequate protection

These principles will be reflected in the way the School keeps records and information with respect to both electronic and manual systems. Staff and students will be made aware of:

- The nature of the information collected about them;
- The purpose(s) for which personal information will be held
- What such information will be used for
- Who, other than internally, the data / information may be disclosed to.

The minimum level of information provided will be that contained in the "Layer 1 Notice", a copy of which is included as Appendix 9.

The collection of student data and information

The transfer of a student's educational record when a student changes school is vital to their wellbeing and progress. The Common Transfer File will be utilised in addition to paper records.

Litcham School will receive transferred information on individual students from previous schools; parents and carers; professionals in other agencies; and may be supplemented by information from students themselves.

On joining the school roll, an electronic record will be created for the student. The completion of the School Admission Form provides such information as name, address, contact data, emergency contact information, medical, ethnicity and religious information. In addition, the school will receive and / or maintain information on Special Educational Needs.

The results of screening tests, baseline data testing and diagnostic tests are kept, together with regular assessment and achievement results. Statutory information such as attendance, punctuality, exclusion and key stage assessment data will also be held in the school record.

The school will also hold any other relevant data and information that allows the school to discharge its statutory responsibilities, including the care and welfare of students. Such information may include changed family circumstances (for



example divorce, bereavement, financial hardship) and child protection documentation, and may be obtained from a number of sources including teaching and support staff, learning mentors, and other agencies.

The keeping of data and information on students

Data and information on students is kept in four different circumstances:

1. Centrally held electronic information:

The school records data and information on students within the SIMS database. This information is accessible via the network by using web browsing software. Different users will have differing levels of access depending on their role within school.

Information held within central management information systems includes (but is not restricted to) that relating to: identity (including photograph), contacts, medical notes, academic assessment and monitoring, examination entries, special educational needs, interventions, rewards and sanctions, attendance and copies of various documents.

Assessment and target data is additionally held within the school's electronic network filing systems together with other background information replicated from the main MIS. This is accessible to staff from any networked computer.

Behaviour management information is also held and processed within the SIMS database.

2. Centrally held manual records:

In addition to much of the information listed above that is stored electronically, the school record of a student also comprises a folder of paper documentation. This is held in filing cabinets within relevant pastoral offices. Such documents may include (but are not restricted to): copies of letters sent to parents; copies of Individual Education Plans and Pastoral Support Plans; medical details and guidance; information collected for specific purposes such as referrals to other agencies; letters from parents and others acting for the student.

3. Electronic and manual records held by the Learning Support department:

The Learning Support Department, under the direction of the SENCO, maintain records that relate specifically to students with Special Educational Needs. Such information is maintained either electronically, or in manual form. Electronic information is stored within secure staff user areas on the network and paper records are held within the support centre and the SENCO office.

These documents include (but are not restricted to): Statements of Special Educational Needs; Individual Education Plans; medical details and guidance; information collected for specific purposes such as referrals to other agencies; letters from parents and others acting for the student; review documentation; screening and diagnostic test data; achievement data relating to intervention programmes undertaken and records of contacts made with respect to an individual student (phone calls, letters etc.).

4. Electronic and manual records held by individual staff:

Individual teachers and teaching assistants are required to maintain records in order that they may adequately teach and support students. These records may be held in paper format or as electronic documents held in secure network areas.

These documents and records may include (but are not restricted to): personalised learning register; attendance at lessons; baseline and diagnostic data; relevant IEPs; achievement and target data relevant to their teaching and learning activities; behavioural information including behavioural support plans. Staff are made aware of their responsibility for protecting the confidentiality of the information they keep and this is explicit within the Staff Acceptable Use Policy.



Appendix 4

The sharing of data and information under the terms of the Data Protection Act 1998

To ensure compliance with the Data Protection Act, non-sensitive personal data shall be processed fairly and lawfully, and shall not be processed unless at least one of the following conditions is met:

- The individual whose records are kept by the school must provide consent
- The School must have a legal requirement or basis to hold information about them
- Have a need to hold it for the performance of a contract, or for the taking of steps with a view to entering into a contract
- Have a reason to hold it in the legitimate interests of the organisation, unless the processing may prejudice the rights and freedoms or legitimate interests of the individual
- To protect the individual's vital interests
- For the administration of justice;
- Information is processed in circumstances specified by order of Government.

For sensitive information personal data shall be processed fairly and lawfully only if at least one of the following conditions is also met (in addition to those listed above):

- The individual has provided their explicit consent
- The information is required to be held in compliance with employment law
- To protect the individual's vital interests in cases where consent cannot be given, or to protect the interests of another person where consent has been unreasonably withheld
- The processing is carried out by a not-for-profit organisation or a body that exists for political, philosophical, religious or trade union purposes
- The information has been made public as a result of steps deliberately taken by the individual
- The processing is necessary with respect to legal proceedings, for obtaining legal advice, or for establishing, exercising or defending legal rights
- For the administration of justice
- Have a legal requirement or basis to hold information (for example, to carry out statutory functions)
- The processing is necessary for medical purposes
- Information that consists of racial or ethnic origin can be held to ensure and monitor equality of opportunity or treatment
- Information is processed in circumstances specified by Government

Sensitive information, as defined by the Data Protection Act, is information that relates to:

- Racial or ethnic origin
- Physical or mental health condition
- Sexual life
- Religious or other beliefs
- Commission or alleged commission of offences
- Any proceedings for any offence committed (or alleged, the disposal of such proceedings or the sentence of any court in such proceedings)
- Political opinions
- Trade union membership



Appendix 5

Keeping and sharing information and data within the School:

Between those employed by the school, and accountable to the Headteacher, it is recognized that the fullest sharing of data and information between those responsible for the teaching, welfare and care of the student leads to the most benefit for the student (for example, information about the bereavement of a close family member should be shared by all those likely to come into responsible contact with the student in order for appropriate care and support to be established). It is, however, the policy of the School that any and all such information should be kept confidential between members of staff within the School and not shared with others outside the scope allowed for in this document.

It is a matter of professional judgment as to whether information disclosed by a student is of necessity shared by all within the school. If uncertain, members of staff will consult with their line manager. However, any information disclosed relating to physical, sexual or emotional abuse, or neglect of students will be fully subject to the School's Child Protection Policy and Guidelines and must be passed to the Designated Teacher for Child Protection immediately and without delay.

Student records held centrally, on the student's departure from the school, will be archived and stored for a minimum of seven years. The school business manager will be responsible for the upkeep of the archive and it will include both paper and electronic information (paper records may, in whole or in part, be forwarded to a student's new school where that student leaves Litcham School before the end of their statutory education; a sub-set of the electronic record will be forwarded to the new school in Common Transfer File format via the secure School2School facility as required by the Department for Education).

Teachers and Learning Support Assistants will maintain records for the students that they taught and supported, whether manual or electronic, for a minimum of five years. They should also be maintained for this period if the member of staff concerned leaves the employment of the School. In this case, the records should be deposited with the school business manager.

At times, individual student level information may be required for illustrative purposes by processes that the school is subjected to by other legislation, guidance or practice (an Ofsted inspection for example). Individual students will not be named in any publication or report resulting from such processes.

Information with respect to fully named individual students will not be produced for any audience whereby the information may enter into the public domain, without the express permission of the student involved. Examples include:

- School newsletters to parents and the community
- Reports to the Governing Body (with the exception of examination results);
- Review and evaluation documentation for other than internal use;
- Any and all documentation used for training or illustrative purposes to persons outside of the school.

Student teachers, supply staff and others professionals working on a temporary basis as a member of staff within the school, accountable to the Head Teacher, will be required to adhere to the principles of data and information protection outlined in this document.



Appendix 6

Sharing data and information with outside organisations, agencies and individuals

Unless the information is subject to other enabling legislation, or the possibility of the sharing of such information has been made explicit; informed consent will be obtained before such information is passed, by the school to another organisation, agency or individual.

Students and parents will be made explicitly aware that it is practice to share student level information, which may include personal information, with respect to:

- Feeder Primary Schools: achievement data and the results of benchmark testing.
- Norfolk LA: information and data required and requested by the Norfolk Local Authority in pursuit of their responsibilities and obligations, including the administration of the SEN Code of Practice.
- QCA / DfE: assessment, achievement and attendance data.
- Examination Boards: in respect of examination and test entries.
- Post 16 institutions and organisations: information and data with respect to achievement, actual and predicted grades, target data, together with essential core personal data.
- School Medical Service: any information relating to the student's health, care and welfare both within the school and in his or her life that could affect the quality of life and achievement of the young person.
- Social Services: any information disclosed to the School relating to physical, sexual or emotional abuse, or neglect of students subject to the Children's Act 1989 using the procedures specified in the School's Child Protection Policy and Guidelines.
- Police: requests for the disclosure of information for purposes such as the prevention or detection of crime, prosecution or apprehension of offenders, (disclosure must be authorised by the Headteacher or his deputy).
- Attendance Improvement Officer: attendance data and information relating to family circumstances pertaining to the student's ability to attend school regularly and to effect.

Management Information Systems providers

From time to time data held on school systems may be accessible to bona fide companies and individuals for the purposes of developing and supporting our software systems. There is a clear agreement that any data copied is only used for this purpose and is destroyed immediately an individual issue is resolved. Files will be password protected and a record of each transaction will be kept. Remote support access will be under the direct supervision of the deputy headteacher or data manager.

From time to time the school's Data staff will work off-site and have access to student data. Data will be encrypted and password protected during transfer, and stored and processed only on password protected computers where they are the sole user.

The principles of exchanging and sharing data and information with another organisation, agency or individual with respect to Litcham School students:

When exchanging or sharing data and information with other institutions, organisations, agencies or individuals the following principles will be observed:

- The School will assume that all students are competent in their own right to make decisions and provide consent for the sharing and exchange of data and information.

However, parents and or guardians will be made aware of the exchange or sharing of data and information both through the issue of the "Layer One" notice and by clear statements on data capture forms.

- When sharing and exchanging data and information with other institutions, organisations, agencies or individuals, the minimum amount of data or information should be provided, exchanged or shared and its purpose clearly identified.



Appendix 7 - Protection, Security and Accessibility of Data

Data relating to both students and staff is held on our computer systems. It is a central tenet of our operation that this data is accurate, secure, available and resilient. To this end, the school ICT systems are specified to:

- Provide fast access to data over a high speed core network infrastructure
- Require passwords to access the network and specific applications
- Use RAID5 disc arrays to aid resilience
- Backup data across all servers to media that can be stored off-site
- Maintain a constant anti-virus watch
- Use redundant and uninterruptable power supplies to minimise the risk of data corruption during power outages

For the security and protection of our ICT systems, a significant number of restrictions are in place that limits the potential harm that could be inflicted by a more open policy. In particular, the ability to change configuration settings and install software is restricted to a few individuals. It is acknowledged that this may cause some frustration on occasions.



Appendix 8 – Software Licencing

It is the policy of the school that all software used within our organisation is properly licensed for our use, acknowledging the copyright and intellectual property rights of the software provider. This statement is in force for all software regardless of the number of copies in use, the size or type of application or the commercial value of the software.

From time to time, the school may install “trial” versions for evaluation purposes. Such installations will strictly follow the terms set by the software vendor.

From time to time, the school may install open-source or other “freeware” where this is permitted by software providers.

Software will only be installed by the network system administrators and only upon the production of valid license keys. Personal copies of software owned or obtained by staff or students will not be installed.



Appendix 9 – Layer One Notice

Privacy Notice - Data Protection Act 1998

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

- support pupils teaching and learning;
- monitor and report on their progress;
- provide appropriate pastoral care, and
- assess how well the school as a whole is doing.

This data includes your contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

This data may only be used or passed on for specific purposes as allowed by law. From time to time the school is required to pass on some of this data to local authorities, the Department for Education (DfE), and to agencies that are prescribed by law, such as the Qualifications and Curriculum Development Agency (QCDA), Ofsted, the Department of Health (DH), Primary Care Trusts (PCT), The Learning Records Service, or any successor bodies.

All these are data controllers in respect of the data they receive, and are subject to the same legal constraints in how they deal with the data.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any data controller. The presumption is that by the age of 12 a child has sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request on a child's behalf if the child is younger.

If you wish to access your personal data, or that of your child, then please contact the relevant organisation in writing. Details of these organisations can be found on the following website:-

<http://www.norfolk.gov.uk/fairprocessingnotices>

or for those pupils/parents where this is not practical a hard copy can be obtained from the school, by requesting in writing, addressed to the Headteacher.

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

- <http://www.norfolk.gov.uk/fairprocessingnotices>
- <https://www.gov.uk/government/publications/lrs-privacy-notices>

If you are unable to access these websites, please contact the Local Authority or the Department for Education as follows:

Teresa Burdett,
File Access Manager,
Children's Services,
County Hall,
Room 22,
Martineau Lane,
Norwich,
NR1 2DL
Email: teresa.burdett@norfolk.gov.uk
tel: 01603 223839

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
website: www.ico.org.uk
email: casework@ico.org.uk
tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)



Signed:

Dated:

Chair of full governing body