



# SANDFIELD PARK SCHOOL

## DATA PROTECTION POLICY

Approved on:	23 September 2017
Next review date:	September 2019
Signed:	
Signed:	(For and on behalf of Governing Body)

## **General Statement**

The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Headteacher and Governors of this School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1988. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

## **Enquiries**

Information about the school's Data Protection Policy is available from Mrs. K Leahey, School Business Manager. General information about the Data Protection Act can be obtained from the Information Commissioner' Office (website [www.ICO.gov.uk](http://www.ICO.gov.uk)).

## **Fair Obtaining and Processing**

Sandfield Park School undertakes to obtain and process data 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. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

**“processing”** means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

**“data subject”** means an individual who is the subject of personal data or the person to whom the information relates.

**“personal data”** means 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.

**“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 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
9. European Economic Area, unless that country or territory ensures an adequate level of data protection.

### **Registered Purposes**

The Data Protection Registration entries for the School are available for inspection, by appointment, at the school office. Explanation of any codes and categories entered is available from the Head of School.

### **Data Integrity**

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

#### **Data Accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the 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 and make any amendments.

Where a data subject challenges the accuracy of their data, the 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. 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.

### **Subject Access**

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 pupil, the school's 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 pupil, unless it is clear that the pupil 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 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, available from the School Office. Completed forms should be submitted to Mrs. K Leahey, School Business Manager. 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 (eg Student 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 record, access to the record will be provided within 15 school dates in accordance with the current Education (Pupil Information) Regulations.

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

1. Requests for information must be made in writing; which includes email, and be addressed to the Head of School. 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.*

### **Authorised Disclosures**

The School will, in general, only disclose data about individuals with their consent. However there are circumstances under which the School'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 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 the 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 the school.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the 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 school who **need to know** the information in order to do their work. The 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.

A “**legal disclosure**” is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An “**illegal disclosure**” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes.

### **Data and Computer Security**

Sandfield Park School undertakes to 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.

#### **Logical Security**

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files. Computer files are backed up (ie security copies are taken) regularly.

#### **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.

**ACCESS TO PERSONAL DATA REQUEST DATA**

**PROTECTION ACT 1998**

**Section 7.**

Enquirer's Surname: \_\_\_\_\_

Enquirer's 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 (i.e. the "Data Subject")?

**If NO,**

Are you a parent as defined by the Education Act 1996 of a child who is the "Data Subject" of the YES /NO records you are enquiring about?

**If YES,**

Name of child or children about whose personal data records you are enquiring

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Description of Concern / Area of Concern

Description of Information or Topic(s) Requested (In your own words)

Additional information.

Please dispatch/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 Dispatch Name and Address above, who I have authorised to receive such information).

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

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

(PRINTED) \_\_\_\_\_

Dated: \_\_\_\_\_