

This policy was agreed at the full Governing Body Meeting 10<sup>th</sup> December 2015.

Annual review has been delegated to Dr Sarah Batstone, Head Teacher

Chair of Governors: Mr George Craig

Signature:

Date:

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## **Rounds Green Primary School Policy: 2015**

### **Data Protection Policy**

Rounds Green School acknowledges and accepts the requirement to work within the Data Protection Act 1998, and other regulating acts, when retaining and storing personal data, and when making it available to individuals. It is important that across the school community there is shared understanding as to how we manage such data including:

- the legal context;
- how personal data should be processed, stored, archived and deleted/destroyed;
- how staff, parents and pupils can access personal data.

Rounds Green Primary School is registered, as is required, with the Information Commissioner's Office – RF Z7432589.

It is recognised that:

- access to their own personal information is a statutory right for pupils, if they are of an age to understand the information they request;
- parents (as defined in the Education Act 1996) may also request access to their child's personal data;
- all school staff have a right of access to personal data on themselves.

Schools, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the education system, and in doing so have to follow the Data Protection Act 1998. This means, for example, that the data held about pupils must only be used for specific purposes allowed by law. The school has a Fair Processing or Privacy Notices which explain how personal data is used, and with whom it will be shared. These are available as follows:

- a Privacy Notice for pupils 19/09/13;
- a Privacy Notice for staff 14/10/13.

Personal data should always be kept securely and protected by passwords if it is electronic, and access to it should only be by those authorised to see it – confidentiality should be respected. The law also provides that personal data should not be kept longer than is required.

Third party data (information about someone other than the requesting individual) should in general only be provided with their permission.

Personal data and school records about pupils are confidential to the child. The information can be shared appropriately with professionals working at Rounds Green to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools. School records for a child should be kept for 7 years after the child leaves the school; or until the child reaches 25 years of age (whichever is greater), and examination records the same.

A parent can request access to or a copy of their child's school records and other information held about their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a charge for photocopying records – this is detailed in guidance available from the Information Commissioner. Staff should check, if a request for information is made by a parent, that no other legal obstruction is in force, such as a court order limiting an individual's exercise of parental responsibility. Parents should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12.

Pupils can themselves request copies of their records and other information held. This request is not charged, and does not have to be in writing. The staff will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion.

Separately from the Data Protection Act, The Education (Pupil Information)(England) Regulations 2005 provide a pupil's parent, regardless of the age of the child, with the right to view, or to have a copy of, the educational record. Parents who wish to exercise this right must apply to the school in writing. For educational records, unlike other personal data (see below), access must be provided within 15 school days, and if copies are requested, these must be supplied within 15 school days of payment.

Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Head Teacher, and with the knowledge and if possible the agreement, of the staff member concerned. Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these, such as salary and pension details, these records should be retained as set out by

Sandwell. Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.

All staff can request access to their own records. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of records.

All formal complaints made to the Head Teacher or School Governors will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

The law requires that all requests for personal information are dealt with within 40 days of receipt except requests for educational records (see above). All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the school will arrange access to those documents already available, and notify the individual that other documents may be made available later. Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data. The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes, such as a letter requesting changes. This will enable staff to deal with a complaint if one is made in relation to the request.

From 1<sup>st</sup> January 2005, when the Freedom of Information Act came into force, a request for personal information can include unstructured, as well as structured records – for example, letters, emails etc. not kept within an individual's personal files, or filed by their name, but still directly relevant to them. If these would form part of a wider record it is advisable to file these within structured records as a matter of course and to avoid excessive administrative work. These can be requested if sufficient information is provided to identify them.

Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinions. Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.

At Rounds Green Primary School:

- This policy will be subject to annual review, delegated to the Head Teacher, with ratification by the full Rounds Green Governing Body, and being signed on their behalf by the Chair of Governors.

- Consideration of Nursery Admissions is through the full Governing Body or if they so determine delegation to an appropriate Governing Body Committee.
- Operational responsibility for Data Management is delegated to the Head Teacher, who will make appropriate arrangements and decisions, including identification of lead staff, currently Mr Anthony Latham (Jan 2016), Business Director, and Mrs Valencia Rowe, Office Manager.