



## KESGRAVE HIGH SCHOOL

### **DATA PROTECTION POLICY**

The school collects and uses certain types of personal information about staff, pupils, parents and other individuals who come into contact with the school in order provide education and associated functions. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Education Authorities (LEAs), government agencies and other bodies.

This policy is intended to ensure that personal information must be dealt with properly 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 used, recorded and stored and whether it is held in paper files or electronically. The Data Protection Registration documents for the School are available for inspection, by appointment through the school office.

#### **Data Protection Principles**

The Eight Data Protection Principles as laid down in the 1998 Data Protection Act must be followed at all times. These are:

1. Data must be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specific and lawful purposes
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed
4. Personal data shall be accurate and where necessary kept up to date
5. Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose
6. Personal data shall be processed in accordance with the rights of data subjects under the 1998 Data Protection Act;
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data, and
8. Personal data shall not be transferred to a country outside the EU, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

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The school is committed to maintaining those principles at all times.

This means that the school will:

- tell you what purposes the school will use information for when we collect. This position is outlined in the School's Privacy statement that is on the WEBSITE and in the school brochure
- if information will be shared the school will tell you why, with whom and under what circumstances
- check the quality and accuracy of the information we hold
- apply our records management policies and procedures to ensure that information is not held longer than is necessary or legally required
- ensure that when information is authorised for disposal it is done appropriately
- ensure appropriate security measures to safeguard personal information whether that is held in paper files or on our computer system
- share personal information with others when it is necessary and legally appropriate to do so
- set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection Act see appendix 1, and
- train our staff so that they are aware of our policies and procedures

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998.

### Complaints

Complaints under this policy should be made to the Chairperson of the Governing Body who will decide if it is appropriate for the complaint to be dealt with under the complaints procedure. Complaints which are not dealt with under the school's complaint procedure should be forwarded in writing to the Information Commissioner. It is likely that complaints about procedural issues, due process and timeliness will be dealt with by the Governing Body, complaint that involve consideration of personal data or sensitive personal data should be referred to the Information Commissioner.

### Contacts

If you have any concerns or questions in relation to this policy please contact the **School's data controllers (Deputy Head Teacher Mr B Hawkins, Business Manager Mrs A Collett)** who will also act as the contact point for any requests under the Data Protection Act.

Further advice and information, including a full list of exemptions, is available from the Information Commission, [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) 01625 545 700.

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### *Appendix 1*

#### **Procedures for Responding to Requests for Personal Information in Accordance with the Data Protection Act (1998)**

Anybody who makes a request to see their file or their child's file or other personal data held on them is making a request under the Data Protection Act 1998. All information relating to the child including that held in pupil files, on electronic storage systems and email will be considered for disclosure.

There is a statutory exception to the above, where parents do have an automatic right to access defined materials under The Education (School Records) Regulations 1989. The school will observe these statutory exceptions.

If there is a current court order which relates to information regarding any child, that order must, regardless of other circumstances, be observed.

#### **Dealing with a Data Protection Request**

1. A request under the Data Protection Act must be made in writing; a form for completion is available from the school's data controllers. A copy is appended to this policy.
2. The form will be submitted to a **School data controller** who will ensure there is sufficient information to identify the information required. If the controller cannot identify the information required from the initial request they will go back to the applicant to ask for more information.
3. The **School's data controllers** will ensure through a checking process that they are confident of the identity of the individual making the request. These checks will be in addition to a proof of relationship with the child.
4. An individual only has the automatic right to access information about themselves, requests from family members, carers or parents of a minor will have to be considered within the safe guarding and legal framework related to information about young persons. The **School's data controllers** will have responsibility for ensuring the child's welfare is appropriately considered in deciding whether to comply with a request. Normally the requester will have to prove both their relationship with the child and that disclosure is in the child's best interests to the satisfaction of the **School's data controllers**. In the event of a child having sufficient capacity to understand (normally age 12 or above) the **School's data controllers** should discuss the request with the child and take their views into account when making a decision. There may be circumstance in which a child can refuse their consent to a request.
5. The school may charge a statutory fee, currently calculated on a sliding scale, but only if a permanent copy of the information is provided. If a letter is sent out requesting a fee the 40-calendar day statutory timescale does not begin until the fee is received. It is important though that no request is delayed unnecessarily by time taken to inform the applicant of a fee.
6. The school will make use of exemptions under the Act if appropriate. All files will be reviewed before any disclosure takes place. **Under no circumstance will access be granted immediately or before this review process has taken place.**

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7. Where information has been provided to the School by a third party, for example by the local authority, the police, a health care professional or another school, but is held on the school's file it is normal to seek the consent of the third party before disclosing information. This must be done early in the process in order to stay within the 40-day timescale. Even if the third party does not consent or consent is explicitly not given the data may be disclosed. In these cases it may be appropriate to seek additional advice. Where a third party provides information that is not statutory, consent will be sought from that party to include this in the student's file at the time of disclosure"
8. The applicant should be told the data that the school holds, be given a copy of the data, be told the purposes for which it is processed (Privacy statement) and whether it has been shared with any other party. If data has been withheld an explanation will be provided unless there are circumstances where this is not appropriate, the **School's data controllers** should at all times consider the welfare of the child. The school should also to give details of who to contact in the event of a complaint and the details of the Information Commission who can provide independent information.
9. Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or parts of the data can be retyped if this is more sensible. In any event a copy of the full document (before obscuring) and the altered document should be retained together with the reason why the document was altered. This is so, that in the event of a complaint, there is an audit trail of what was done and why.
10. Information can be provided by post (registered mail) or on deposit at the school with an officer available to help the applicant. If the latter is used the applicant must have access to a photocopier in case they want a permanent copy of their data. In considering the method of delivery the views of the applicant should be taken into account. Any codes, technical terms or abbreviations should be explained. Any data which is difficult to read or illegible should be retyped.
11. The school monitors the number of requests received and documents whether they are dealt with within the 40-calendar day statutory timescale.
12. The Act applies only to living individuals.

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**KESGRAVE HIGH SCHOOL**

**ACCESS TO PERSONAL DATA REQUEST**

**DATA PROTECTION ACT 1998**

**Section 7**

Enquirer's Full Name .....

Enquirer's Address

.....  
.....

Enquirer's Postcode .....

Telephone number .....

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

.....  
.....  
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Description of Information or Topic(s) requested (in your own words)

Additional information (You may wish to Provide)

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 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)

..... Date:.....

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

..... (Print Please)

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