

EAST MIDLANDS EDUCATION TRUST

Data Protection Policy



East Midlands
Education Trust

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DATA PROTECTION POLICY

All academies in the Trust collect and use personal information about staff, pupils, parents and other individuals who come into contact with their academy. 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 academy complies with its statutory obligations.

Academies have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. Each academy is listed within EMET's registration. These details are then available on the ICO's website. Academies 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

Each academy is committed to maintaining the above principles at all times. Therefore, the academy 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
- Where CCTV is installed, ensure compliance with the ICO's CCTV code of practice.

Complaints

Complaints will be dealt with in accordance with the Trust's Complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator). However, the Information Commissioner will usually expect the complainant to use the Trust's Complaints policy before referring the matter to the Information Commissioner.

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years. The policy review will be undertaken by the Trustees.

Contacts

If you have any enquires in relation to this policy, please contact the Principal/Head Teacher, 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.gov.uk or telephone 0303 1231113

Policy prepared by:	R McDonough (CEO)
Policy reviewed by:	Trustees
Policy reviewed:	Summer 2017
Next review due:	Summer 2019

[academy name]

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

Rights of access to information

Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.

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

Actioning a subject access request (SAR)

1. Requests for information must be made in writing; which includes email, and be addressed to the Principal/Head Teacher. 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 Principal/Head Teacher 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 academy may make a charge of up to £10 for the provision of personal information.
5. The response time for subject access requests, once officially received, is 40 days **(not working or academy days but calendar days, irrespective of academy 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 academy. 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 academy 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 an academy failure to comply with the above procedures should be made to the Chair of the Governors and will be dealt with in accordance with the Trust's Complaints procedure. If the complainant is not satisfied with the outcome of the academy's complaints process, the complainant may refer the matter to 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 Principal/Head Teacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 1231113