



Queen Elizabeth High School Policy

Data Protection

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Rationale

Queen Elizabeth High School needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, and to run as an efficient service provider. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

To do this, Queen Elizabeth High School must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the 1998 Act). In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- Be adequate, relevant and not excessive for that purpose
- Be accurate and kept up to date
- Not be kept for longer than is necessary for that purpose
- Be processed in accordance with the data subject's rights
- Be kept safe from unauthorised access, accidental loss or destruction

Queen Elizabeth High School and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the school has developed this Data Protection Policy.

Policy Status

This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#). It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is new legislation due to come into force in 2018.

This policy complies with our funding agreement and articles of association.

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies issued by the school. Any failures to follow the policy can therefore result in disciplinary proceedings.

General Data Protection Regulation

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: Contact details Racial or ethnic origin Political opinions Religious beliefs, or beliefs of a similar nature Where a person is a member of a trade union Physical and mental health Sexual orientation Whether a person has committed, or is alleged to have committed, an offence Criminal convictions
Processing	Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

The Data Controller and the Designated Data Controllers

Queen Elizabeth High School processes personal information relating to students, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Designated Data Controllers: They are the Headteacher, the Academy Business Manager and the Deputy Headteacher.

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

Any member of staff, parent or other individual who considers that the policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller, who would normally be the Academy Business Manager Mrs D Wiles dwiles@queenelizabeth.hereford.sch.uk.

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the school in connection with their employment is accurate and up to date
- Informing the school of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The school cannot be held responsible for any errors unless the staff member has informed the college of such changes
- If and when, as part of their responsibilities, staff collect information about other people (e.g. about a student's course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out within this policy

Data Security

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely
- Personal information is not disclosed either orally or in writing or via web pages or by any other means, accidentally or otherwise, to any unauthorised third party
- Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases

Personal information should:

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access; and if a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and students are reminded to change their passwords at regular intervals. This applies both to their network login and to SIMS
- Students must never work on staff computers
- Staff, students or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

Rights to Access Information

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date

- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- 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
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

Under the Data Protection Act 1998, students have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

- The student's name
- A correspondence address
- A contact number and email address
- Details about the information requested
- The school will not reveal the following information in response to subject access requests:
 - Information that might cause serious harm to the physical or mental health of the student or another individual
 - Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
 - Information contained in adoption and parental order records
 - Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the student's educational record will be provided within 15 school days. The table below summarises the charges that may apply.

Number of pages of information to be supplied	Maximum fee (£)
1-19	1.00
20-29	2.00
30-39	3.00
40-49	4.00
50-59	5.00
60-69	6.00
70-79	7.00
80-89	8.00
90-99	9.00

100-149	10.00
150-199	15.00
200-249	20.00
250-299	25.00
300-349	30.00
350-399	35.00
400-449	40.00
450-499	45.00
500+	50.00

If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a Parent/Carer to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from Parents/Carers of students at our school may not be granted without the express permission of the student.

If parents ask for copies of information, they will be required to pay the cost of making the copies.

Parents/Carers of students at this school do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the school is a safe place for everyone, or to operate other college policies, such as the Pay Policy or the Equal Opportunities Policy. Because this information is considered sensitive under the 1998 Act, staff (and students where appropriate) will be asked to give their express consent for the college to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Subject Consent

In many cases, the school can only process personal data with the consent of the individual. If the data is sensitive, as defined in the 1998 Act, express consent must be obtained.

Agreement to the school processing some specified classes of personal data is a condition of acceptance of employment for staff. This includes information about previous criminal convictions. Jobs will bring the applicants into contact with children. The school complies with all aspects of safer recruitment and follows all appropriate vetting procedures prior to employment in order to safeguard our students.

The school has a duty of care to all staff and students and must therefore make sure that employees and those who use college facilities do not pose a threat or danger to other users.

The school may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The school will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency.

Publication of Academy Information

Certain items of information relating to school staff will be made available via searchable directories on the public website, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the school.

We hold personal data about students to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about students from other organisations including, but not limited to, other schools, local authorities and the Department for Education. This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on student characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. We will not share information about students with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to the appropriate section of this policy.

Once our students reach the age of 13, we are legally required to pass on certain information to our local authority which has responsibilities in relation to the education or training of 13-19 year-olds.

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring

- Support the work of the School Teachers' Review Body
- Staff personal data includes, but is not limited to, information such as:
- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact Mrs D Wiles.

Retention of Data

The school has a duty to retain some staff and student personal data for a period of time following their departure from the school, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time.

Disposal

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred paper-based records via a secure service, currently Shred-It, and override electronic files. We may also use an outside company to safely dispose of electronic records.

This policy will be reviewed annually to take account of legal and/or other developments or sooner if it contravenes in any way legal compliance.

Policy Amendment Record

Number:	Date:	Amended by:	Details and Location:
1	01.09.17	M Farmer	Checked against The Key Compliance Tracker, adjustments to some terminology to ensure compliance and clarification of interpretation.
2	01.09.17	M Farmer	Style change to incorporate change to school name. References to old name changed to reflect new name. Shelf ready from September 1 st 2017.
