



Nelson Primary School
Inspiring Ambition, Achieving Success

Data Protection Policy

Written March 2016
Revised November 2017

DATA PROTECTION POLICY

This document is a statement of the aims and principles of the School, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

Introduction

Nelson Primary School needs to keep certain information about its employees, students and other users in order to monitor performance, achievements, and health and safety, for example. 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, Nelson Primary 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.

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.

Status of this Policy

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 made by the school from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers

The school as a body corporate is the Data Controller under the 1998 Act and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters. The school has three Designated Data Controllers; they are the Head Teacher, the Office Manager and the School Business Manager. 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.

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 school 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 in the Schools Data Protection Code of Practice.

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:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on any removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the school holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up-to-date.
- Know what the school is doing to comply with its obligations under the 1998 Act.

This Policy document and the school's Data Protection Code of Practice address, in particular, the last three points above. To address the first point, the school will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the school holds and processes about them and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the Subject Access Request Form and submit it to the Designated Data Controller in writing.

The school will make a charge of £10 on each occasion that access is requested, although the school has discretion to waive this.

The school aims to comply with requests for access to personal information as quickly as possible but will ensure that it is provided within 40 days, as required by the 1998 Act.

Subject Consent

In many cases, the school can only process personal data with the consent of the individual.

In some cases, 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. The school has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The school has a duty of care to all staff and students and must, therefore, make sure employees and those who use the school 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, for example.

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 school policies, such as the Sick 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 school to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Publication of School 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.

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.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the school. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.