



## St John's Walham Green CE Primary School

Policy Name	Data Protection Policy (see also Freedom of Information Policy)			
Date	February 2017	Review Date	February 2019	
Responsibility	FGB	Resources	Curriculum	Head teacher
Committee agreed on:	Signed by:			
FGB agreed/ratified on: 8.3.17	 Signed by:			

*St. John's Walham Green Church of England Primary School aspires to develop young people who are successful students, independent learners and confident individuals. We strive to ensure that our pupils become responsible citizens with a concern for the well-being of all God's creation.*

### **EQUAL OPPORTUNITIES STATEMENT**

St John's School is committed to the principle of equal opportunity for all pupils irrespective of race, religion, gender, language, disability or family background. We believe that equal opportunity is at the heart of good educational practice and challenge any form of discrimination. All staff and governors are responsible for ensuring that we implement this policy".

### **AIMS & OBJECTIVES**

The aim of this policy is to provide a model set of guidelines to enable staff, parents and pupils to understand:

- The law regarding personal data;
- How personal data should be processed, stored, archived and deleted/destroyed;
- How staff, parents and pupils can access personal data.

In addition, please also refer to the school's Freedom of Information which covers other information held by schools.

The objective of this policy is to ensure that the school acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data, and when making it available to individuals, and that the process of responding to enquiries for other information is also legal under the Freedom of Information Act 2000 (in force from 1<sup>st</sup> January 2005).

### **DATA PROTECTION – THE LAW**

- Under the Data Protection Act 1998, and associated legislation, access to their own personal information is a statutory right for pupils (if they are of an age to understand the information they request) and parents (as defined in the Education Act 1996 – see footnote) may also request access to their child's personal data.
- School staff have a right of access to personal data on themselves.

- Anyone has the right to question and correct inaccurate information, but in general this must be matters of fact, not opinions.
- Personal data must be kept securely and protected by passwords if it is electronic, and access to it must only be by those authorised to see it – confidentiality must 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) is in general only provided with their permission.
- Complaints about the handling of personal data within the school should be made to the member of staff named below.

The named person with overall responsibility for personal data within this school is:

**Barbara Wightwick – Head teacher, St John’s School, Filmer Road, SW6 6AS**

### **FAIR PROCESSING OF PERSONAL DATA: DATA WHICH MAY BE SHARED**

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, among other things that the data held about pupils must only be used for specific purposes allowed by law. The school has a Privacy Notice which explains how personal data is used and with whom it will be shared. This Notice is attached as **Appendix 1** for school pupils and Appendix 2 for the school workforce.

The **Local Authority** uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual pupils cannot be identified from them.

Information on how to access personal data held by other organisations is given below.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If your child wishes to access their personal data or you wish to do so on their behalf, then please contact the relevant organisation in writing:

- the school: as above;
- the LA’s Data Protection Officer at: H&F InTouch, Executive Services, Room 229, Hammersmith Town Hall, London W6 9JU. Email: [handfintouch@lbhf.gov.uk](mailto:handfintouch@lbhf.gov.uk)

### **MANAGEMENT ARRANGEMENTS**

St John’s School will ensure that:

- the Head teacher holds specific responsibility for data protection within the school;
- everyone managing and handling personal information understands that they are responsible for following good data protection practice;
- everyone managing and handling personal information is appropriately trained to do so;
- everyone managing and handling personal information is appropriately supervised
- anyone wanting to make enquiries about handling personal information knows what to do;
- queries about handling personal information are dealt with promptly and courteously;
- methods of handling personal information are regularly assessed and evaluated;
- records of personal information will not be kept for longer than is necessary, and will follow the guidance on records retention issued by the local authority.

## APPENDIX 1

### PRIVACY NOTICE

#### Information about pupils in schools, alternative provision, pupil referral units and children in early years settings

##### Data Protection Act 1998: How we use pupil information

We collect and hold personal information relating to our pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE). We use this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

This information will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information.

We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. If you want to receive a copy of the information about your son/daughter that we hold, please contact:

- Mrs Baxter, Senior Admin Officer, St John's Walham Green School, Filmer Road, London, SW6 6AS  
email: [admin@stjohnse.lbhf.sch.uk](mailto:admin@stjohnse.lbhf.sch.uk) Tel: 0207 731 5454

We are required, by law, to pass certain information about our pupils to our local authority (LA) and the Department for Education (DfE).

DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- LBHF: <https://www.lbhf.gov.uk/councillors-and-democracy/data-and-information> ; or
- DfE : <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

## APPENDIX 2

### Privacy Notice

**The school workforce: those employed to teach, or otherwise engaged to work at, a school or a local authority**

#### **The Data Protection Act 1998: How we use your information**

We process personal data relating to those we employ to work at, or otherwise engage to work at, our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- the local authority : London Borough of Hammersmith and Fulham (LBHF)
- the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data please visit:

- LBHF: <https://www.lbhf.gov.uk/councillors-and-democracy/data-and-information>
- DfE: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to see a copy of information about you that we hold, please contact:

- Mrs Baxter, Senior Admin Officer, St John's Walham Green School, Filmer Road, London, SW6 6AS  
email: [admin@stjohnse.lbhf.sch.uk](mailto:admin@stjohnse.lbhf.sch.uk) Tel: 0207 731 5454

## APPENDIX 3

### Guidance on Pupils Data

#### Processing, storing, archiving and deleting personal data:

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school 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.
- All formal complaints made to the Head Teacher or School Governors, in accordance with the school's Complaints Procedure, 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.
- There may be other circumstances in which information can or has to be disclosed for example in court proceedings. If you are in any doubt, please contact the LA's Information Management Officer.

#### Accessing personal data:

- A child can request access to his/her own data. The 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.
- 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 school's Freedom of Information Policy. Staff should check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force.
- Parents should note that 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. Parents are encouraged to discuss and explain any request for information with their child where they have sufficient understanding and/or if they are aged 12 or over.
- Separately from the Data Protection Act, The Education (Pupil Information)(England) Regulations 2005 (as amended) provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. 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.

## APPENDIX 4

### Guidance on Staff Data

#### Processing, storing, archiving and deleting personal data:

- 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 (salary and pension details etc.) these records should be retained as set out by the LA or in the retention schedule of the school.
- Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.
- All formal complaints made to the Head Teacher or School Governors, in accordance with the school's Complaints Procedure, 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.
- There may be other circumstances in which information can or has to be disclosed for example in court proceedings. If you are in any doubt, please contact the LA's Information Management Officer.

#### Accessing personal data:

- A member of St John's staff can request access to their own records at no charge, but the request must be made in writing. 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.
- 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.
- In all cases, should third party information (information about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff which is exempt from a requirement for third party consents. If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released.
- 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.
- 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 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.
- 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 (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.
- There are exemptions to providing personal information, for example where the school consider doing so would cause serious harm to someone. If you are in any doubt, please contact the LA's Information Management Officer.

## APPENDIX 5

### Useful Guidance

#### Information Commissioner

The Information Commissioner is the Regulator for Data Protection and Freedom of Information and provides tailored guidance for schools on his website. <https://ico.org.uk/for-organisations/education/> Refer to the website for the most up to date guidance on a range of Data Protection and Freedom of Information issues. Model publication schemes can be found here: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/publication-scheme/definitiondocuments/>

#### Department for Education

The Department for Education provides guidance on statutory responsibilities and non-statutory guidance . Advice on Data Protection and Freedom of Information can be found here:

<https://www.gov.uk/government/collections/departmental-advice-schools#data-protection> Statutory guidance is here: <https://www.gov.uk/government/collections/statutory-guidance-schools#administration-andfinance>

Non-statutory advice is here:

<https://www.gov.uk/government/collections/departmental-advice-schools>

#### Disclosure and Barring Service (DBS)

The DBS (previously the Criminal Records Bureau), provides advice on checks for employees and those who work with children, and guidance can be found here:

<https://www.gov.uk/disclosure-barring-service-check/overview>

#### Information and Records Management Society – Schools records management toolkit

<http://www.irms.org.uk/resources/information-guides/199-rm-toolkit-for-school>

A downloadable schedule for all records management in schools

#### Legislation:

**Data Protection Act 1998:** All personal data which is held must be processed and retained in accordance with the eight principles of the Act and with the rights of the individual. Personal data must not be kept longer than is necessary (this may be affected by the requirements of other Acts in relation to financial data or personal data disclosed to Government departments). Retention of personal data must take account of the Act, and personal data must be disposed of as confidential waste. Covers both personal data relating to employees and to members of the public.

**Education (Pupil Information) (England) Regulations 2005 (as amended):** Retention of Pupil records, and rights to access these.

**Freedom of Information Act 2000:** The Freedom of Information Act covers the rights of requesters to request and receive information held in a recordable format by the public authority (for schools this is the school, not the Governing Body). There are a number of exemptions under which a refusal can be made, but all public authorities must offer requesters the opportunity to have a review of any refusal, and must direct them to the Information Commissioner if they remain dissatisfied.