



**Westrop Primary School
Rivers Road
Highworth
Swindon
SN6 7DN**

DATA PROTECTION POLICY STATEMENT

INTRODUCTION

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 Authorities (LAs), government agencies and other bodies.

Personal information must be dealt with 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.

AIMS

This policy is intended to ensure that personal information is be dealt with properly and securely and in accordance with the Data Protection Act 1998 and other related legislation.

DATA PROTECTION PRINCIPLES

There are eight Data Protection Principles, as laid down in the 1998 Data Protection Act, that must be followed at all times:

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.
8. Personal data shall not be transferred to a country outside the EEA, 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.

The School is committed to maintaining these principles at all times.



DATA AND INFORMATION

To comply with the Data Protection Act the School will:

- tell you what purposes we will use information for when we collect it
- if information will be shared, we will tell you why, with whom and under what circumstances
- check the quality and accuracy of the information we hold
- ensure that information is not held longer than is necessary
- 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, only when it is necessary and legally appropriate to do so
- train our staff so that they are aware of our policies and procedures

PROCEDURE FOR REQUESTS FOR PERSONAL INFORMATION

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 books, diaries and on electronic systems and email should 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 rights.

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.
2. In many cases a letter to the Head Teacher will be sufficient to identify the information required. If you cannot identify the information required from the initial request you can go back to the applicant to ask for more information.
3. The Head Teacher must be confident of the identity of the individual making the request. This could be done by checking signatures against verified signatures on file or by asking the applicant to produce valid identification, such as a passport or photo-driving license. These checks should be done in addition to 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. The Head Teacher 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 Head Teacher. In the event of a child having sufficient capacity to understand (normally age 12 or above) the Head Teacher 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 as appropriate. For example, the school may withhold data that relates to other pupils. All files must be reviewed before any disclosure takes place. Under no circumstance will access be granted immediately or before this review process has taken place.
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.
8. The applicant should be told about data that the School holds, be given a copy of the data, be told the purposes for which it is processed and whether it has been shared with any other party. It is good practice to explain whether data has been withheld and if so why. The Head Teacher should at all times consider the welfare of the child. The School should also 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 will monitor the number of requests received and document whether they are dealt with within the 40-calendar day statutory timescale.
12. The Act applies only to living individuals.

FURTHER INFORMATION

If you have any concerns or questions in relation to this policy please contact the Head Teacher 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 at www.ico.gov.uk or by telephoning 0303 123 1113.

UPDATING THE POLICY

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

Page 3 of 3

Report Author/Job Title: Janet Urban, Head Teacher
Date Reviewed by Governors: 26 February 2014

Date of Next Review by Governors: 26 February 2015

Communicate, Collaborate and Create