

Date Written	Latest Review	Date Adopted	Date for Review
July 2018	November 2023	September 2022	November 2024

Marlborough St Mary's CE Primary School



MARLBOROUGH
ST MARY'S
PRIMARY SCHOOL

Data Protection Policy

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Marlborough St Mary's CE Primary School

Data Protection Policy

Marlborough St Mary's Primary School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. 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 school complies with its statutory obligations.

Marlborough St Mary's Data Protection Officer is Karen Giddings, who can be contacted on SBM@marlboroughstmarys.wilts.sch.uk

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy 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 2018, 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 2018 establishes seven enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly, lawfully and transparently;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and limited to what is necessary;
4. Personal data shall be accurate and relevant, 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 kept secure i.e., protected by an appropriate degree of security, ensuring the integrity, privacy and confidentiality of the data
7. Accountability - this principle makes the organisation responsible for complying with the GDPR and demonstrates that the organisation is compliant.

General Statement

The school is committed to maintaining the above principles at all times. Therefore, the school 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

Retention of Data

The School may retain data for differing periods of time for different purposes as required by statute or best practices. The School uses the 'Information Management Toolkit for Schools' (IRMS) as a guide to data retention. Other statutory obligations, legal processes and enquiries may also necessitate the retention of certain data.

Biometric Testing

Marlborough St. Mary's Primary School does not use any form of biometric testing and does not collect, process or store personal information of this kind.

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Other linked policies

- Freedom of Information
- Photographic and Video
- CCTV
- Code of Conduct

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

Contacts

If you have any enquires in relation to this policy, please contact the Headteacher 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 123 1113

Appendices

- Appendix 1: Responding to subject access requests
- Appendix 2: Privacy Notice (How we use pupil information)
- Appendix 3: Privacy Notice (How we use school workforce information)

Appendix 1

Marlborough St Mary's Primary School Procedures for responding to subject access requests made under the Data Protection Act 2018

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 2018 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 2018.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to the Headteacher. 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 Headteacher 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 school may make a charge for the provision of information, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.

5. The response time for subject access requests, once officially received, is 40 days **(not working or school days but calendar days, irrespective of school 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**. Refer to ICO website for details of exemptions
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. 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 school 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 the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaints procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by 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 Headteacher.

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

Appendix 2

Privacy Notice (How we use pupil information)

Why we collect and use this information

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number, date of birth, siblings and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Relevant medical information
- Additional or Special Educational Needs information
- Behavioural/exclusion information
- Contact details of parents/carers
- Safeguarding and child protection reports and disclosures
- Photographs and video clips

The lawful basis on which we use this information

We collect and use pupil information under the Education Act 2011 and the EU General Protection Regulation (GDPR) which took effect from May 25th 2018, including Article 6 “lawfulness of processing” and Article 9 “processing of special categories of personal data”.

Collecting pupil information

Whilst the majority of pupil information provided to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing pupil data

We hold pupil data in line with the recommendations of the Information and Records Management Society www.imrs.org.uk.

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- any organisation relevant to your child's education

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Appendix 3

Privacy Notice (How we use school workforce information)

The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, address, contact information, next of kin, employee or teacher number, national insurance number, bank details, medical information)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)

Why we collect and use this information

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is

- deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid

The lawful basis on which we process this information

We process information under the Education Act 2011 and the EU General Protection Regulation (GDPR) which took effect from May 25th 2018, including Article 6 “lawfulness of processing” and Article 9 “processing of special categories of personal data”.

Collecting this information

Whilst the majority of information provided to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

Storing this information

We hold data in line with the recommendations of the Information and Records Management Society www.imrs.org.uk.

Who we share this information with:

We routinely share this information with:

- our local authority
- the Department for Education (DfE)

Why we share school workforce information:

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

- **Local authority**
We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.
- **Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding/expenditure and the assessment educational attainment.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. Data collection requirements.

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a statutory census submission three times a year.

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and 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 securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact the Administration Officer admin@marlboroughstmarys.wilts.sch.uk

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Further information

If you would like to discuss anything in this privacy notice, please contact the Administration Officer admin@marlboroughstmarys.wilts.sch.uk