



DATA PROTECTION POLICY

**WICKERSLEY SCHOOL
AND SPORTS COLLEGE**

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HEADTEACHER: Mr T Hardcastle



Data protection policy and Freedom of Information Act

This policy complies with the requirements set out in the GDPR, which came into effect on 25 May 2018.

This policy has due regard to legislation, including but not limited to the following:

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998

Wickersley School and Sports College 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.

Wickersley School and Sports College is 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. See www.ico.gov.uk. Schools also have a duty to issue a Fair Processing 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. Our Fair Processing Notice is included on our School website.

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, the Education Act (2005) 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.

In accordance with the requirements outlined in the GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject

to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

There is a named person with overall responsibility for personal data within each school. In most cases this would be the Headteacher. At Wickersley School the person with overall responsibility is: Mr Hardcastle, Headteacher. The Data Controller is Wickersley Partnership trust CEO Helen O'Brien.

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 and sign a confidentiality agreement.
- Ensure that any visitors or volunteers sign our confidentiality agreement if they are handling confidential data.
- Ensure that all confidential waste is shredded.
- Appoint a DPO to inform and advise the school about their responsibilities to comply with the GDPR and other data protection laws.

Processing, storing, archiving and deleting personal data: guidance

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 academies/schools.

School records for a child will 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.

Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Headteacher and with the knowledge, and 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 are retained as set out by The Trust.

Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.

All formal complaints made to the Headteacher or School Governors 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.

Consent:

All parents and students will be required to give consent to the use of their personal data and a record is kept by the school on how and when consent has been given.

Accessing personal data: guidance

A child can request access to his/her own data. The request is not charged and does not have to be in writing. The Headteacher 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. Other means of confirming identity will be used. For example the schools SIMS system (which contains a photograph) and birth certificates will be used instead. 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 Head teacher will 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. Parents should note that all 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 if they are aged 12 or over.

The right of access

Individuals have the right to obtain confirmation that their data is being processed. Individuals have the right to submit a subject access request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing. The school will verify the identity of the person making the request before any information is supplied. 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.

A copy of the information will be supplied to the individual free of charge; however, the school may impose a 'reasonable fee' to comply with requests for further copies of the same information. Where a SAR has been made electronically, the information will be provided in a commonly used electronic format. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged. All fees will be based on the administrative cost of providing the information.

All requests will be responded to without delay and at the latest, within one month of receipt. In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request. Where a request is manifestly unfounded or excessive, the school holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal. In the event that a large quantity of information is being processed about an individual, the school will ask the individual to specify the information the request is in relation to.

The Right to Rectification

Individuals are entitled to have any inaccurate or incomplete personal data rectified. Requests for rectification will be responded to within one month, this will be extended to 2 months where the request is complex. Where no action is being taken in response to a request for rectification the school will explain the reason for this to the individual and will inform them of their right to complain. Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing. Individuals have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws their consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed
- The personal data is required to be erased in order to comply with a legal obligation
- The personal data is processed in relation to the offer of information society services to a child

The school has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- To exercise the right of freedom of expression and information
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority
- For public health purposes in the public interest
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes
- The exercise or defence of legal claims

As a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request.

Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

Where personal data has been made public within an online environment, the school will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

The right to restrict processing

Individuals have the right to block or suppress the school's processing of personal data. In the event that processing is restricted, the school will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.

The school will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted until the school has verified the accuracy of the data
- Where an individual has objected to the processing and the school is considering whether their legitimate grounds override those of the individual
- Where processing is unlawful and the individual opposes erasure and requests restriction instead
- Where the school no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim
- If the personal data in question has been disclosed to third parties, the school will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

The school will inform individuals when a restriction on processing has been lifted.

The right to data portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services. Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability.

The right to data portability only applies in the following cases:

- To personal data that an individual has provided to a controller
- Where the processing is based on the individual's consent or for the performance of a contract
- When processing is carried out by automated means
- Personal data will be provided in a structured, commonly used and machine-readable form.

The school will provide the information free of charge. Where feasible, data will be transmitted directly to another organisation at the request of the individual. The school is not required to adopt or maintain processing systems which are technically compatible with other organisations.

In the event that the personal data concerns more than one individual, the school will consider whether providing the information would prejudice the rights of any other individual. The school will respond to any requests for portability within one month. Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request.

Where no action is being taken in response to a request, the school will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

The right to object

The right to object is outlined in the privacy notice

Individuals have the right to object to the following:

- Processing based on legitimate interests or the performance of a task in the public interest
- Direct marketing
- Processing for purposes of scientific or historical research and statistics.
- Where personal data is processed for the performance of a legal task or legitimate interests:
- An individual's grounds for objecting must relate to his or her particular situation.

The school will stop processing the individual's personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where the school can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

Where personal data is processed for direct marketing purposes:

- The school will stop processing personal data for direct marketing purposes as soon as an objection is received.
- The school cannot refuse an individual's objection regarding data that is being processed for direct marketing purposes.

Where personal data is processed for research purposes:

- The individual must have grounds relating to their particular situation in order to exercise their right to object.

Where the processing of personal data is necessary for the performance of a public interest task, the school is not required to comply with an objection to the processing of the data.

Data retention

Data will not be kept for longer than is necessary. Unrequired data will be deleted as soon as practicable. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

Educational records:

At Wickersley School Educational records are progress reports and full reports indicating pupil performance during an academic year and exam timetables. Students at Wickersley Sixth Form will be required to sign a learning agreement at the start of their studies which acts as a data contract outlining the use and sharing of educational records. Educational records will be sent to parents (as defined in the Education Act 2005) until a student is aged 18 at which point students are within their rights to request with whom their educational records are shared.

Separately from the Data Protection Act, The Education (Pupil Information)(England) Regulations 2005 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 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. The educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.

Wickersley school will share exam results of successful candidates on our school website and with local newspapers.

Photographs

Student photographs are taken annually for identification purposes and are offered for sale to parents/carers of each child. Consent will be gained from both parents and students to use photographs for promotional material and a record will be kept of the consent. Promotional material includes: posters displayed in school, newspaper articles, websites, leaflets, prospectus. Staff photographs are taken for use on staff ID badges and HR records.

Cookies are small text files placed on your computer to collect standard internet log information and visitor behaviour information. This information is used to enhance the visitor experience by tailoring the page to the individual user and to compile statistical reports on website activity. Cookies do not in themselves present a threat to privacy, since they can only be used to store information that the user has volunteered or that the web server already has. If the website is cookie enabled it will contain a 'cookie disclaimer' that will inform you that the website stores cookies on your computer. If you do not wish cookies to be stored you should leave the site immediately.

Data Disposal:

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

Disposal of IT assets holding data shall be in compliance with ICO guidance:
https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf

CCTV

The school understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles. The school notifies all pupils, staff and visitors of the purpose for collecting CCTV images via notice boards. Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose. School uses CCTV cameras for general site security. The cameras are operational 24/7. Out of normal school hours cameras are monitored by an external company for security purposes. School adheres to the general principles stated above in relation to CCTV images. CCTV images may be disclosed to the Police to support a live criminal investigation. CCTV may be used by the school for pupil behaviour or for staff disciplinary in certain circumstances. CCTV images are kept by the school for 6 months.

Data breaches

The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. The Headteacher will ensure that all staff members are made aware of, and understand, what constitutes a data breach as part of their CPD training. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed. All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of the school becoming aware of it.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint 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 Mr Hardcastle, Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Head teacher, or nominated representative.

September 2020