

FINHAM PARK 2

DATA PROTECTION POLICY

The Management of Personal Data Policy (Data Protection)

1. General statement

- The Head teacher and the Governors of the School intend to comply fully with the requirements and principles of the Data Protection Act 1998, Human Rights Act 1998, and Freedom of Information Act 2000 in relation to the management of personal data in the school.
- The school will endeavour to ensure that all processing is appropriately registered/ notified and will review and update notified entries.
- All staff involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities within these guidelines.
- Staff deliberately acting outside their recognised authority may be subject to appropriate disciplinary proceedings.
- It is recognised that other legislation (for example the Crime and Disorder Act) may override Data Protection law.

2. Enquiries and information.

Enquiries about this policy should be made to the School Business Manager (FPS) who can also provide further information about school procedures. The registered purposes for processing personal information, as recorded for notification by the school, are available by appointment for inspection in the school. Explanation of the entries registered is available from the School Business Manager (FPS) who is the person nominated to deal with data protection issues.

3. Fair obtaining

The school undertakes to obtain information fairly and lawfully by informing all data subjects of the reasons for its collection, the purposes for which the data will be held, where possible the likely recipients, and the data subject's rights of access. Information about the use of personal data is printed on the appropriate collection forms. Where details are given in person or by telephone the staff member collecting the details will advise on how those details will be used.

4. Data uses and processes

The school will not use or process personal information that contravenes its statutory or registered / notified purposes.

Any new purposes for data processing introduced will, where appropriate, be notified to the individual and, if required by law, their consent will be sought. A copy of the up to date notification/ registration will be kept at the school for inspection purposes.

In general the school will only process data with the subject data's consent (or with the consent of parents/guardian acting on behalf of their child). There may be exceptions as outlined in Schedules 2

and 3 of the Data Protection Act 1998 where processing is necessary, for example, for the school to comply with its other legal obligations or to protect the vital interests of the data subject.

Only authorised and properly instructed staff are allowed to make external disclosures of personal data. Data used within the school should be made available to staff only if they need to know for their work in the school.

5. Data integrity

- The school will not collect data from individuals that is excessive or irrelevant in relation to the registered / notified purpose(s). Details collected will be adequate and no more. Information collected that becomes irrelevant or excessive will be deleted.
- Information will only be held for as long as is necessary for the registered / notified period -after which the details will be deleted/destroyed.
- Data held will be as accurate and as up-to-date as is reasonably possible. If a data subject informs the school of a change of circumstances their record will be updated as soon as possible. Information received from a third party will be recorded as such.
- Where a data subject challenges the accuracy of their data and it cannot be updated immediately, or where the new information needs to be checked for accuracy and validity, a marker will be placed on the "challenged" record indicating the nature of the dispute or delay. The school will try to resolve the issue(s) informally and amicably with the individual but if this is not possible any dispute will be referred to the Governing Body.

6. Security

The school undertakes to ensure the security of personal data to prevent unauthorised individuals and staff from gaining access to personal information by:

Physical security

- Ensuring that no student has access to networks where personal data is stored.
- Provision of appropriate building security and that alarms are regularly checked for functionality.
- Restricting access of unauthorised personnel to school offices and rooms where personal data systems are kept.
- Provision of secure storage/ filing systems/lockable cabinets.
- Safe storage of computer backup tapes /disks (risk of fire, theft, other damage or loss)
- Ensuring lap top computers are always stored in secure areas on site and off site if appropriate

Logical security

- Password protection and controls for electronic access of information, including networks.
- Passworded screensavers, read only files (prevent unauthorised amendment).
- Ensuring that password changes are made regularly.

Procedures and protocols

- Only permitting authorised personnel to have access to personal data records.
- By implementing a controlled system to record the removal and transfer of personal data from its normal storage area, including transfer within the school and removal off-site.
- Ensuring that all staff are made aware of their responsibilities for data protection and for general security matters and their knowledge is updated as required.
- By destroying redundant data in accordance with the school's procedures for disposing of confidential materials.

7. Subject access / subject information requests

- Any person whose details are held/ processed by the school (data subjects) have a general right to receive a copy of their own information. There are a few exceptions to this rule, such as data held for child protection or crime detection/prevention purposes.
- The school will respond in writing to requests for access to pupil records within **15 school days** and for all other types of record within the 40 days allowed by the Data Protection Act 1998.
- The school's policy for dealing with requests for subject access in respect of a pupil is :

Requests from parents / legal guardians in respect of their own child will, provided that the child does not understand the nature of the subject access requests, be processed as requests made on behalf of the data subject (child)

Requests from pupils who **do not** understand the nature of the request will be referred to the child's parents

Requests from pupils who demonstrate an understanding of the nature of their request will be processed as any subject access request as outlined below.

N.B. The school's normal assumption will be that at the age of 14 a child is able to understand the issues concerning access to their data.

The data controller (headteacher or authorised person acting on his/her behalf) will make the judgement about whether a child has the necessary level of understanding, and will seek guidance from the Information Commissioner and /or City Council in the event of a dispute.

- A subject access / information request should be submitted on the appropriate forms wherever possible to ensure that the school has the required information to be able to conduct a data search and fulfil the request. (See below)
- Where information is not available from the school but is processed by the Local Authority (such as admissions and transfers) the requests will be directed to the appropriate officer.
- In some cases, especially with requests not submitted on the appropriate forms, further information may need to be required from the requester which may delay the start of the 40 day maximum period.
- Repeat requests will be fulfilled unless deemed unreasonable, such as a second request received so soon after the first that it would be impossible for the details to have changed.

- The school may charge a fee for providing copies of educational records. Further details about charges can be obtained from the School Business Manager.
- **Complaints and appeals**
Complaints, disputes or challenges as described above should be first taken up with the Head teacher (Data controller) or an authorised person acting on his/her behalf.

FINHAM PARK 2 SCHOOL

**Subject Access Request Form
Section 1**

This form is used by Finham Park 2 to help you to receive information we hold and process about you, the data subject (the term used for the person whose information is held by the school).

Please complete the form as fully as possible- if you do not it could make it difficult for us to process your request.

If you are applying on behalf of another person, with their consent, **please include proof of your right to do so**. If you need help completing this form please contact **the Headteacher's PA**.

Data subject's name _____

Address _____

_____ Post code: _____

Previous address if you have moved since your details were given to the school

_____ Post code: _____

Section 2 (Please tick)

Are you the data subject named above?	Yes	No	If yes please proceed to section 4
Are you the parent / guardian of the child Pursuing your separate right to access your child's official educational records.	Yes	No	If yes please proceed to section 4
Are you the parent / guardian of the child and acting on behalf of a child who does not understand the nature of their own access rights	Yes	No	If yes please proceed to section 3
Are you acting on behalf of the person named above	Yes	No	If yes please proceed to section 3

Section 3 If you are acting on behalf of the data subject

Do you have written permission?	Yes	No	If yes please attach a copy and proceed to section 3a
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Now complete the details overleaf

3.a. Please complete the following declaration

I(Applicant) declare that **I am an agent** acting on behalf (the data subject) with their full knowledge and written consent (enclosed), or on behalf of a child who does not understand the nature of the request and I am acting in their interest. I will only disclose the information to the data subject except with further authorisation from them.

Signed..... Agent / Parent

3.b Details about the agent.

Agents name _____

Address _____

_____ Post code _____ Tel _____

Section 4

Please state in your own words what information you require, include details of any reference numbers given to you like payroll or client numbers, or reasons why you believe the school has your personal information in its files.

Section 5

Declaration

To be signed by all applicants

I declare that the information given in this form is correct and that I am the data subject, parent or agent.

Signed

Date,

The school has 15 school days to respond to a request for educational records and 40 calendar days to respond to other requests. The information you provide on this form will be used only for the purposes of processing your request.

DATA PROTECTION POLICY

Written by J Hawker on:

Next review date:

October 2016

Approved by Governors:

Signed:

Signed:

Headteacher

Chair of Governors

Date:

Date: