



Holbrook Academy

DATA PROTECTION POLICY

Date Approved	Quality and Monitoring Committee	
	Governing Body	8 th July 2015
Signed	Tim Fenton Chair of Governors	
Minuted	8 th July 2015	
Date of Next Review	Quality and Monitoring Committee	Spring 2016
	Governing Body	

Whole School Policy for Data Protection

Policy Consultation & Review

This policy has been authorised by the Governors, is addressed to all members of staff and volunteers and is available to parents on request. It is published on the Academy's website and is available on request from the Academy Office. We also inform parents and carers about this policy when their children join our academy and through our Academy Newsletter.

This policy takes account of the Academy's public sector equality duty set out in section 149 of the Equality Act 2010. It can be made available in large print or other accessible format if required. It applies wherever staff or volunteers are working with pupils even where this is away from the Academy, for example at an activity centre or on an educational visit.

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1. General Statement

The Governing Body of the academy has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Headteacher and Governors of Holbrook Academy intend to comply fully with the requirements and principles of the Data Protection Acts 1984, 1988 and 1998. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

2. Enquiries

Information about the academy's Data Protection Policy is available from the Headteacher at Holbrook Academy. General information about the Data Protection Act can be obtained from the Information Commissioner's Office website www.ico.org.uk

3. Fair Obtaining and Processing

Holbrook Academy undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

"processing" means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

"data subject" means an individual who is the subject of personal data or the person to whom the information relates.

"personal data" means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.

"parent" has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

4. Registered Purposes

The Data Protection Registration entries for Holbrook Academy are available for inspection, by appointment, at the Academy office. Explanation of any codes and categories entered is available from the Headteacher who is nominated to deal with Data Protection issues in the Academy. Registered purposes covering the data held at the Academy are listed on the Academy's Registration and Data Collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

5. Data Integrity

The Academy undertakes to ensure data integrity by the following methods:

5.1 Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the academy of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the academy will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

5.2 Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the Academy will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

5.3 Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. All obsolete data records will be properly erased.

6. Subject Access

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a student, the academy's policy is that:

- Requests from students will be processed as any subject access request as outlined below and the copy will be given directly to the student, unless it is clear that the student does not understand the nature of the request.
- Requests from students who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

7. Processing Subject Access Requests

Requests for access must be made in writing.

Students, parents or staff may ask for a Data Subject Access form, available from the academy office. Completed forms should be submitted to the Headteacher's PA. 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

Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 academy days in accordance with the current Education (Pupil Information) Regulations.

8. Authorised Disclosures

The Academy will, in general, only disclose data about individuals with their consent. However there are circumstances under which the Academy's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Student data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- Student data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Student data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the Academy.
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the Academy. Officers and IT personnel writing on behalf of the LA are IT liaison/data processing officers, for example in the LA, are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the Academy by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the Academy who **need to know** the information in order to do their work.

The Academy will not disclose anything on students' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

A “**legal disclosure**” is the release of personal information from the computer to someone who requires the information to do his or her job within or for the academy, provided that the purpose of that information has been registered.

An “**illegal disclosure**” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the academy's registered purposes.

9. Data and Computer Security

Holbrook Academy undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

9.1 Physical Security

Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the computer rooms. Disks, tapes and printouts are locked away securely when not in use. Visitors to the Academy are required to sign in and out, to wear identification badges whilst in the Academy and are, where appropriate, accompanied.

9.2 Logical Security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up daily (i.e. security copies are taken).

Personal data about students and staff is held within the Academy's network. Personal devices cannot access personal data on the academy's network via Wi-Fi.

There is no offsite access to the Academy's network.

9.3 Procedural Security

In order to be given authorised access to the computer, the employee's details will be verified. All employees will sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary, including emails about the treatment of personal data. Computer printouts containing personal data as well as source documents are shredded before disposal.

Any queries or concerns about security of data in the Academy should in the first instance be referred to the Headteacher.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. **A deliberate breach of this Data Protection Policy will be treated as disciplinary matter. Serious breaches could lead to disciplinary action.**

Further details on any aspect of this policy and its implementation can be obtained from the Headteacher.

ACCESS TO PERSONAL DATA REQUEST

DATA PROTECTION ACT 1998 Section 7

Enquirer's Surname	
Enquirer's Forename	
Enquirer's Address	
Enquirer's Postcode	
Contact Number	

Are you the person who is the subject of the records you are enquiring about?

YES / NO (i.e. the "Data Subject")?

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the

YES / NO records you are enquiring about?

If YES,

Name of child or children about whose personal data records you are enquiring
Description of Concern / Area of Concern
Description of Information or Topic(s) requested (in your own words)
Additional information

Please reply to: *(if different from enquirer's details as stated on this form)*

Name:

Address:

.....Postcode:

DATA SUBJECT DECLARATION

I request that the academy search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the academy.

I agree that the reply period will commence when I have supplied sufficient information to enable the academy to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Reply to Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent)

Name of "Data Subject" (or Subject's Parent) (PRINTED).....

Dated: