



## DATA PROTECTION POLICY

**This is a whole-school policy, within the framework of which the Primary Phase and the Nursery policies operate as appropriate.**

### **General Statement of the School's Obligations**

1. The School is required to process in a fair and proper way relevant personal data that it holds regarding all living individuals including its staff and pupils (present and past) .

### **The Principles**

2. The School shall, so far as is reasonably practicable, comply with the Data Protection Principles contained in and central to the Data Protection Act. Personal data must be:-
  - a. processed fairly and lawfully.
  - b. processed for limited purposes and not in a manner incompatible with those purposes.
  - c. adequate, relevant and not excessive.
  - d. accurate.
  - e. not kept for longer than necessary.
  - f. processed in line with the data subject's rights.
  - g. secure.
  - h. not transferred to other countries that do not protect personal data adequately.

### **Personal Data**

3. Personal Data covers facts and opinions about a data subject (an individual who is the subject of personal data) whether computerised, on paper or on microfiche and held in any relevant filing system.

### **Managing Personal Data**

4. The Head and Director of Business and Finance are responsible for ensuring that school practices comply with the Act.
5. Personal Data relating to Data Subjects who are Staff should normally be kept by the Head or Director of Business and Finance. All Personal Data shall be stored in such a way to prevent unauthorised access, accidental loss, destruction or damage. Where line managers are obliged to keep Personal Data such as personal review statements

they too are made aware of their obligations, duties and responsibilities.

6. Neither Personal Data records nor copies thereof shall be taken off the School premises at West Park Rd, Blackburn without the express permission of the Head or the Director of Business and Finance and in any event may only be so taken in accordance with the provisions of the Data Protection Act and the Data Protection Principles.
7. Other staff may only gain access to employment records where they have a legitimate business need as agreed with the Head or Director of Business and Finance.
8. Data Subjects are made aware of the nature and source of information kept and how it will be used and subject to consent of the data subject (where required) to whom it will be disclosed.
9. Sickness and accident records are kept separate from absence records. The holding of sickness and accident records may constitute processing of sensitive personal data and in such cases the processing may only be carried out where at least one of the conditions set out in paragraph 13 below are satisfied.
10. The provision of a School reference for staff can only be given by the Head or Director of Business and Finance. In addition members of staff may produce references for pupils with the permission of the Head.
11. Requests from outside organisations for disclosure of personal data should be made in writing to the Head or Director of Business and Finance and on receipt of such requests consent of the data subject shall be sought (if appropriate) prior to the disclosure.

### **Sensitive Personal Data**

12. The School may, from time to time, be required to process sensitive Personal Data regarding a data subject. Sensitive Personal Data includes information concerning a data subject's:
  - a. racial or ethnic origin.
  - b. political opinions.
  - c. religious beliefs or other beliefs of a similar nature.
  - d. trade union membership.
  - e. physical or mental health condition.
  - f. sexual activity
  - g. data relating to any offence committed or alleged to have committed by a data subject, the disposal of the proceedings or the sentence of any court in such proceedings.
13. Before the School can collect, store, use, disclose or otherwise process sensitive Personal Data, one of the following conditions must be met:
  - a. the processing is an obligation conferred or imposed by law.

- b. the processing is in connection with legal proceedings.
- c. the information has been made public as a result of steps deliberately taken by the Data Subject.
- d. the processing is necessary for medical purposes.
- e. the data subject has given his or her explicit consent to the processing.

### **Rights of Access to Information**

- 14. In accordance with the provisions of the Data Protection Act a Data Subject has a right of access to information held by the School relating to them.
- 15. Any Data Subject wishing to access their Personal Data must put their request in writing to the Head or Director of Business and Finance, such request to give sufficient information to oblige the School to comply with the Data Protection Act.
- 16. The School must respond to any such written request within 40 calendar days.
- 17. Where obliged to do so by the Data Protection Act the school will produce to the Data Subject copies of the information it holds in intelligible form. The school will levy the maximum statutory charge for each subject access request from time to time in force.

### **Accuracy/Security**

- 18. Personal Data are to be kept in such a way to prevent unauthorised access accidental loss, destruction or damage.
- 19. The storage of employee Personal Data should only be carried out by the Head or Director of Business and Finance with the exception of teachers' professional review documentation.
- 20. The storage of pupil Personal Data in paper format will be under the supervision of the Office Manager. The removal and return of pupil data are recorded in a register.
- 21. The School will endeavour to ensure that all Personal Data held are accurate. The staff must notify the Head or Director of Business and Finance of any amendments required.

### **Retention of Records**

- 22. Personal Data must be adequate, relevant and not excessive and not kept for longer than necessary.
- 23. Records on former employees should not be kept for longer than 7 years after employment has ceased other than for income tax and health and safety reasons and for reference purposes.

24. Where appropriate Personal Data for unsuccessful employment applicants is securely and effectively destroyed after a period of 12 months.
25. Subject to the requisite consent being obtained from or on behalf of the relevant pupils, Personal Data relating to that pupil will be retained on databases of former pupils held by both the school and/or associated organisations.

### **Enforcement**

26. Without prejudice to the rights of a data subject contained within the Data Protection Act, if a Data Subject believes that the School has not complied with this policy or acted otherwise than in accordance with the Data Protection Acts, the Data Subject should utilise the School's grievance procedure (if appropriate) and should also notify the Head or the Director of Business and Finance.

Updated by Mr P Atkinson: 1<sup>st</sup> May 2018

Approved by Board of Governors: 17<sup>th</sup> May 2018