

The Samworth Church Academy  
**DATA PROTECTION POLICY**

**Statement of intent**

The Samworth Church Academy is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the Data Protection Act 1998.

The school may, from time to time, be required to share personal information about its staff or pupils with other organisations, mainly the LA, other schools and educational bodies, and potentially social services.

This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how the school complies with the following core principles of the Act:

- Data must be processed fairly and lawfully.
- Data must only be acquired for one or more lawful purposes and should not be processed for other reasons.
- Data must be adequate, relevant and not excessive.
- Data must be kept accurate and up-to-date.
- Data must not be kept for longer than is necessary.
- Data must be processed in accordance with the data subject's rights.
- Appropriate measures must be taken to prevent unauthorised or unlawful access to data and against loss, destruction or damage to data.
- Data must not be transferred to a country or territory unless it ensures an adequate level of protection for the rights of the subject.

Organisational methods for keeping data secure are imperative and The Samworth Church Academy believes that it is good practice to keep clear practical policies, backed up by written procedures.

**1 Legal framework**

- 1.1 This policy has due regard to legislation, including, but not limited to the following:
- The Data Protection Act 1998.
  - The Freedom of Information Act 2000.
  - The Education (Pupil Information) (England) Regulations 2005 (as amended in 2013).
  - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
  - The School Standards and Framework Act 1998.
- 1.2 This policy will be implemented in conjunction with the Academy's:
- Acceptable use of ICT Policy.
  - Freedom of Information Policy.
  - CCTV Policy.

**2 Data controller**

- 2.1 The Samworth Church Academy, as the corporate body, is the data controller.
- 2.1 The governing body of The Samworth Church Academy, therefore, has overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations.
- 2.1 The Office Manager deals with the day-to-day matters relating to data protection.

- 2.1 The Office Manager is responsible for processing personal information on the school's behalf. The security of the personal information is covered within this policy document.
- 2.1 On occasion, personal information may be processed by outside organisations involved in data processing. By involving another organisation in data processing, the school increases certain risks. The security of the personal information is covered in a formal contract between the school and any outside organisation.

### **3 Fair processing**

- 3.1 The Samworth Church Academy recognises that its staff and pupils need to know what the school does with the information it holds about them.
- 3.2 Parents/carers receive a copy of this Data Protection Policy upon registration of their child at the school, as well as an overview of the information that the school will keep about their child.
- 3.3 The Samworth Church Academy issues a general privacy notice (Appendix I & II) detailing the purposes for which personal data collected by the school will be used for.
- 3.4 If personal details are being recorded for a specific purpose, a specific privacy notice is issued.
- 3.5 The general privacy notice is also published on the school's website for the Academy workforce and for students and their families.
- 3.6 Personal information is only made available to staff and governors who need that particular information to do their jobs and is only made available at the time that it is needed.
- 3.7 All members of staff, including members of the governing body, receive training in their responsibilities under the Data Protection Act and guidance on confidentiality of personal information, as part of their induction.
- 3.8 The training is reinforced at regular intervals throughout their employment or term as governor.
- 3.9 Members of staff and parents/carers are responsible for checking that any information that they provide to the school, in connection with their employment, or in regard to a registered pupil, is accurate and up-to-date.
- 3.10 The Samworth Church Academy cannot be held accountable for any errors unless the employee or parent has informed the school about such changes.
- 3.11 The Data Manager is responsible for monitoring fair processing controls on an on-going basis.

### **4 Data security**

- 4.1 Confidential paper records are kept in a locked filing cabinet, drawer or safe, with restricted access.
- 4.2 Confidential paper records are not left unattended or in clear view anywhere with general access.
- 4.3 Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- 4.4 Where data is saved on removable storage or a portable device, users are advised to keep the device in a locked filing cabinet, drawer or safe when not in use.
- 4.5 Users are advised that memory sticks are not used to hold personal information unless they are password-protected and fully encrypted.
- 4.6 All electronic devices are password-protected to protect the information on the device in case of theft.
- 4.7 Where possible, the school enables electronic devices to allow the remote blocking or deletion of data in case of theft.
- 4.8 Staff and governors do not use their personal laptops or computers for school purposes.
- 4.9 All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password every 60 days.

- 4.10 Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient.
- 4.11 Circular emails to parents are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.
- 4.12 When sending confidential information by fax, staff are always mindful of checking that the recipient is correct before sending.
- 4.13 Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from the school premises accepts full responsibility for the security of the data. Before sharing data, all staff always ensure:
- They are allowed to share it.
  - That adequate security is in place to protect it.
  - Who will receive the data has been outlined in a privacy notice (as per attached appendices).
- 4.14 Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the school containing sensitive information are supervised at all times.
- 4.15 The physical security of the school's buildings and storage systems and access to them, is reviewed termly. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.
- 4.16 The Samworth Church Academy takes its duties under the Data Protection Act seriously and any unauthorised disclosure may result in disciplinary action.
- 4.17 The Data Manager/IT Director is responsible for continuity and recovery measures are in place to ensure the security of protected data.

## **5 Subject consent**

- 5.1 The Samworth Church Academy understands that subjects have certain legal rights to their personal data, which will be respected.
- 5.2 The school does not process personal data without the consent of the subject, although the processing of data will sometimes be necessary for:
- The performance of a contract to which the subject is party to, or the steps taken with a view to entering a contract.
  - Compliance with a legal obligation to which the school is subject.
  - The administration of justice, legal functions of persons or departments, or functions of a public nature exercised in the public interest.
  - The purposes of legitimate interests of the school, unless the decision prejudices the rights, freedoms or legitimate interests of the subject.
- 5.3 Members of staff will be working in close contact with children. Disclosure and Barring Service (DBS) checks will therefore be made a condition of employment in order to ensure that potential employees do not pose a threat or danger.

5.4 Sensitive data including: information relating to a subject's racial or ethnic origin; political opinions; religious beliefs; trade union membership; physical or mental health; their sex life; or the commission of any offence, can only be processed with the explicit consent of the subject. Sensitive data is processed if it meets the following requirements:

- It is necessary to protect the subject's vital interests.
- It is carried out in the course of legitimate activities by a not-for-profit body or association with appropriate safeguard.
- It is necessary for the administration of justice or other legal purposes.
- It has been ordered by the Secretary of State.
- It is necessary to prevent fraud.
- It is necessary for medical purposes.
- It is necessary for equality reasons.
- It was made public deliberately by the data subject.

## **6 Rights to access information**

6.1 All members of staff, parents/carers of registered pupils and other users are entitled to:

- Know what information the school holds and processes about them or their child, and why.
- Understand how to gain access to it.
- Understand how to keep it up-to-date.
- Understand what the school is doing to comply with its obligations under the Data Protection Act.

6.2 All members of staff, parents/carers of registered pupils and other users have the right, under the Data Protection Act, to access certain personal data being held about them or their child.

6.3 Personal information can be shared with pupils once they are old enough, although this information can still be shared with parents/carers.

6.4 Pupils who are old enough to make decisions for themselves, are entitled to have their personal information handled in accordance with their rights.

6.5 The Samworth Church Academy complies with requests for access to personal information as quickly as possible, but will ensure that it meets its duty under the Data Protection Act to provide it within 40 working days.

6.6 The Samworth Church Academy complies with its obligations under the Data Protection Act to provide subjects access to personal information.

6.7 All subject access requests are recorded in an electronic log that requires formal consideration.

6.8 The school may charge a fee of £10 or more on each occasion that access is requested.

6.9 The Samworth Church Academy is not obliged to provide unstructured personal data if the administrative cost is deemed to exceed the limit of £450 as contained in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

6.10 The Samworth Church Academy is not obliged to supply access to information unless it has received:

- A request in writing.
- The fee required.

## **7 Publication of information**

7.1 The Samworth Church Academy publishes a publication scheme on its website outlining classes of information that will be made routinely available, including:

- Policies and procedures.
- Minutes of meetings.
- Annual reports.
- Financial information.

7.2 Classes of information specified in the publication scheme are made available quickly and easily on request.

7.3 The Samworth Church Academy does not publish any personal information, including photos, on its website without the permission of the affected individual.

7.4 When uploading information to the school website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

## **8 CCTV and photography**

8.1 The Samworth Church Academy understands that recording images of identifiable individuals constitutes processing personal information, so it is done in line with data protection principles.

8.2 This notifies all pupils, staff and visitors of the purpose for collecting CCTV images via notice boards, letters and email.

8.3 Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose.

8.4 The Samworth Church Academy keeps CCTV footage for 31 days for security purposes; the Site Team is responsible for keeping the records secure and allowing access.

8.5 The school always indicates its intentions for taking photographs of pupils and retrieves permission before publishing them.

8.6 If the school wishes to use images/video footage of pupils in a publication, such as the school website, prospectus, or recordings of school plays, written permission is sought for the particular usage from the parent/carer of the pupil.

8.7 Precautions are taken when publishing photographs of pupils, in print, video or on the school website and portals.

8.8 Images captured by individuals for recreational/personal purposes and videos made by parents for family use, are exempt from the Data Protection Act.

## **9 Data retention**

9.1 The Data Protection Act states that data should not be kept for longer than is necessary.

9.2 In the case of The Samworth Church Academy unrequired data is deleted in line with statutory requirements.

9.3 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.

9.4 Paper documents are shredded or pulped and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

## **10 DBS data**

- 10.1 All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication.
- 10.2 Data provided by the DBS is never duplicated.
- 10.3 Any third parties who access DBS information are made aware of the data protection legislation, as well as their responsibilities as a data handler.

## **11 Challenges and compensation**

- 11.1 The Samworth Church Academy understands that members of staff and the parents/carers of registered pupils have the right to prevent the processing of personal data if it is likely to cause damage or distress.
- Individuals with concerns related to the processing of personal data should provide The Samworth Church Academy with written notice.
  - If The Samworth Church Academy receives a written notice asking them to cease, or not to begin, processing specified data, they attempt to reply in writing within 21 days detailing:
    - a) Their compliance or their intent to comply.
    - b) Their reasons for considering the subject's written notice unjustified and the extent to which they have complied, or intend to comply, with the request.
- 11.2 Data subjects reserve the right to take their concerns to a court of law and will be entitled to compensation if it is judged that the school contravened the provisions of the Data Protection Act.
- 11.3 Individuals who are not the subject of the data, but suffer damage as a result of the contravention, are also entitled to compensation.
- 11.4 It is the individual's own responsibility to take action for compensation if loss of personal data causes them damage.
- 11.5 The school will immediately rectify, block, erase or destroy any data that a court of law judges to have contravened the requirements of the Data Protection Act.

## **12 Policy review**

- 12.1 This policy is reviewed every two years.
- 12.2 The scheduled review date for this policy is January 2019.

## Appendix 1

### The Samworth Church Academy

## Privacy Notice (Data Protection Act 1998)

We, **The Samworth Church Academy**, are a Data Controller for the purposes of the Data Protection Act 1998. We collect information from you and may receive information about you from your previous school and the Learning Records Service.

### **Why is information collected?**

The reasons we keep records about you and your family are to:

- Support teaching and learning;
- Monitor and report on progress;
- Provide appropriate pastoral care,
- Give the best possible service,
- Safeguard Children and Young People from harm,
- Assess how well schools are doing.

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

- Personal information (such as name, unique pupil number 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)
- Termly Assessment Data
- Medical Information
- Special Educational Needs
- Exclusions
- Behavioural Information
- Post 16 Information

### **Collecting pupil information**

Whilst the majority of pupil information you provide 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**

These are retained in the school for **six years** from the date of the last entry and then transferred to the archives.

### **Who do we share pupil information with?**

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority

- the Department for Education (DfE)
- school nurse
- Careers Inc.

### **Aged 14+ qualifications**

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications.

### **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 the (DfE) under regulation 5 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>.

### **Youth support services**

#### **What is different about pupils aged 13+?**

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent / guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

### **Our pupils aged 16+**

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people, please visit our local authority website.

### **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

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

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases 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 store and handle the data

To be granted access to pupil information, organisations must comply with 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>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the Academies Data Manager in the first instance.

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, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact:**

If you would like to discuss anything in this privacy notice, please contact in the first instance:

Data Manager  
The Samworth Church Academy  
Sherwood Hall Road  
Mansfield  
Notts  
NG18 2DY



Appendix 2

The Samworth Church Academy  
**PRIVACY NOTICE**

**The Academy Workforce**

**The Data Protection Act 1988: How we use your information**

We process personal data relating to those we employ to work at, or otherwise engage to work at The Samworth Church Academy. This is for employment purposes to assist in the running of the Academy, and to enable individuals to be paid.

The personal data we collect from our Academy workforce includes names, national insurance numbers, and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

The collection of personal information will benefit both national and local users by:

- Improving the management of workforce data across the sector;
- Enabling the development of a comprehensive picture of the workforce and how it is deployed;
- Informing the development of recruitment and retention policies;
- Allowing better financial modelling and planning;
- Enabling ethnicity and disability monitoring;
- Supporting the work of the school teachers' review body.

We will not share information about you with third parties without your consent, unless the law allows us to. We are required, by law, to pass on some personal information to our LA and the DfE.

If you require more information about how we and/or the DfE store and use your personal data, please visit our website [www.samworthchurchacademy.co.uk](http://www.samworthchurchacademy.co.uk) for our Data Protection Policy.