



# Hampton Hargate Primary School

## **Data Protection Policy**

Date: SPRING 2020  
Review date: SPRING 2022

Hampton Hargate Primary School believes that all children, regardless of ability and behaviour are valued equally. Groups of pupils (eg. SEND pupils, children in care, EAL pupils etc) are not viewed as separate but are part of the whole school approach. Different children's needs are recognised and met through varied and flexible provision and the use of different styles of teaching & learning throughout the curriculum. Every Child Matters (ECM) is an important part of Hampton Hargate Primary School ethos and we encourage all staff, governors, visitors, helpers etc to play their part in promoting this. This policy therefore applies to all our children, regardless of their gender, faith, race, culture, family circumstances or sexuality.

This school is committed to safeguarding and promoting the welfare and safety of all children and expects all staff to share in this commitment. All staff must follow the guidelines set out in the relevant section of **myconcern®** which is available online.

## 1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#) and the [Data Protection Act 2018 \(DPA 2018\)](#).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

## 2. Legislation and guidance

This policy meets the requirements of the Data Protection Act 1998, and is based on guidance published by the Information Commissioner’s Office and model privacy notices published by the Department for Education. It also takes into account the expected provisions of the General Data Protection Regulation, which was new legislation that came into force in 2018. In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child’s educational record.

## 3. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: <ul style="list-style-type: none"> <li>• Contact details</li> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> <li>• Religious beliefs, or beliefs of a similar nature</li> <li>• Where a person is a member of a trade union</li> <li>• Physical and mental health</li> <li>• Sexual orientation</li> <li>• Whether a person has committed, or is alleged to have committed, an offence</li> <li>• Criminal convictions</li> </ul>
Processing	Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed

Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

#### **4. The Data Controller**

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Bursar. The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

#### **5. Data protection principles**

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
  - Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

#### **6. Roles and responsibilities**

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998. Day-to-day responsibilities rest with the headteacher, or the deputy headteacher in the headteacher's absence. The headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data. Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## **7. Privacy/fair processing notice**

### **7.1 Pupils and parents**

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education. This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected. We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

### **7.2 Staff**

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information

- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the headteacher.

## **8. Subject access requests**

Under the Data Protection Act 1998, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £50.00.

## **9. Parental requests to see the educational record**

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

## **10. Storage of records**

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

## **11. Disposal of records**

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely 3 years after the pupil / member of staff has left. For example, we will shred paper documents internally and on occasions use an outside provider to securely shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

Financial records will be disposed of securely 6 years after the pupil / staff member has left.

## **12. Training**

Our staff and governors are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

### **13. The General Data Protection Regulation**

We acknowledge that the law has changed on the rights of data subjects and that the General Data Protection Regulation came into force in May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

### **14. Monitoring arrangements**

The headteacher is responsible for monitoring and reviewing this policy.

The headteacher and full governing board checks that the school complies with this policy by, among other things, reviewing school records on a termly basis.

This document will be reviewed every 2 years.

At every review, the policy will be shared with the governing board.

### **15. Links with other policies**

This data protection policy and privacy notice is linked to the freedom of information publication scheme.

This policy is reviewed every 2 years by the governing body.

Review date: Spring 2022

This policy was adopted by the Governing Body on .....

Signed ..... on behalf of the Governing Body

Date .....