



Tile Hill Wood School & Language College

Enjoy, Achieve, Aspire

**MANAGEMENT OF
PERSONAL DATA
POLICY**

**(INCLUDING MANAGEMENT OF
SUBJECT-ACCESS AND
FREEDOM OF INFORMATION**

Created August 2012
Updated October 2012

Aim

The Headteacher and the Directors of Tile Hill Wood School and Language College 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 Academy.

The Academy 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 and Health and Safety Act) may override Data Protection law.

This policy should be read in conjunction with Appendix 1 – guidance for staff about the Data Protection Act and Freedom of Information Act.

Also see Appendix 2 Model Publication Scheme.

Signed: _____
(Chair of Governors Finance, Resources and Audit Committee)

Updated: October 2012

Approved by Governors: November 2012

Review Date Due: October 2014

1. Enquiries and information.

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

2. Fair obtaining

The Academy 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.

3. Data uses and processes

The Academy 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 Academy for inspection purposes.

In general the Academy 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 where processing is necessary for example for the Academy 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 Academy should be made available to staff only if they need to know for their work in the Academy.

4. Data integrity

- The Academy 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.
- Data held will be accurate and up-to-date to date as is reasonably possible. If a data subject informs the Academy 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 Academy will try to resolve the issue informally and amicably with the individual but if this is not possible any disputes will be referred to the Board of Directors.

5. Security

The Academy undertakes to ensure the security of personal data to prevent unauthorised individuals and staff from gaining access to personal information.

Physical security

- The Academy building has appropriate security - including an alarm system and CCTV
- Access to the Academy offices and rooms where personal data systems are kept is controlled.
- The Academy has secure storage/ filing systems and locked cabinets.
- Computer back up tapes are stored in secure cabinets and are entered in a security log
- Personal data must not be held on Laptop computers - on site or off site

Logical security

- The Academy network and data systems offer Password protection and controls for electronic access of information.
- Password changes are made regularly.
- All staff are required to log off the network when leaving their PC for any length of time.

Procedures and protocols

- Only authorised staff have access to personal data records, access rights are issued appropriate to the position held in the Academy
- The Academy has protocols for the removal and transfer of personal data from its normal storage area, including transfer within the Academy and removal off-site.
- All staff are made aware of their responsibilities for data protection and for general security matters and their knowledge is updated as required.
- Redundant data is destroyed in accordance with the Academy's procedures for disposing of confidential materials.

6. Subject access / subject information requests

- Any person whose details are held/ processed by the Academy (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 Academy 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.

- The Academy'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.

The data controller will make the judgement about whether a child has the necessary level of understanding, and will seek guidance from the Information Commissioner in the event of a dispute.

- A subject access / information request should be submitted on the appropriate forms wherever possible to ensure that the Academy 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 Academy 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 second request received so soon after the first that it would be impossible for the details to have changed.
- The Academy will charge a fee for providing copies of educational records. Further details about charges can be obtained from the Director of Resources
- **Complaints and appeals**

Complaints, disputes or challenges as described above should be first taken up with the Headteacher.

7. Freedom of Information Act – requests for information

1. What is the Data Protection Act?

- Regulates the processing of personal data relating to living individuals
- Imposes legal obligations upon Data Controllers
- Provides Data Subjects with legal rights in respect of the way their personal data is processed
- Introduces criminal sanctions for breaches of the Act

2. The Data Protection Act 1998 Eight Guiding principles:

- 1) **Personal data should be processed fairly and lawfully.**
This means that Schools ensure that its staff and students are informed about and understand, the purpose for which their personal data is being processed.
- 2) **Personal data is only obtained for one or more specified and lawful purposes and not further processed in any manner incompatible with that purpose/purposes.**
This means, for example, that students' biometric data should therefore not be used for any purpose not directly related to that for which it was collected.
- 3) **Personal data should be adequate, relevant and not excessive.**
This means that only information which is necessary should be requested and retained. For example, when asking job applicants to complete an application form, is it necessary to request their ethnicity and/or date of birth, at the shortlisting stage? What is this information used for?
- 4) **Personal data should be accurate and, where necessary, kept up to date.**
This means that information which is necessary should be regularly checked to ensure that it is correct, such as student's addresses, telephone numbers etc.
- 5) **Personal data should not be kept for longer than it is needed for its specified purpose.**
This means that the School should have an Information Management Plan/System which lists all types of personal data held at the school, how long for and where it is held. This should be regularly reviewed and the Data Protection "Champion" should monitor that this system is effective.
- 6) **Personal data should be processed in accordance with the subject's rights.**
This means that the subject has access rights to the information, the right to prevent processing of data which is likely to cause damage or distress, the right to prevent direct marketing, the right in relation to automated decision making.
- 7) **Appropriate security should be in place to safeguard personal data from unauthorised processing and accidental loss, destruction or damage.**
This means that the School should have an Information Security Plan to detail what should happen when reporting, managing and recovering from information less incidents. Again, the Data Protection "Champion" should monitor this.
- 8) **Personal data should not be transferred to a country outside the European Economic area, unless that country can ensure an adequate level of protection for the rights and freedoms of data subjects relating to personal data.**

This means that the School website is available worldwide and therefore consent needs to be obtained before posting personal data on the website.

3. Definition of a Data Subject

Teaching and Non Teaching staff

- Parents, for their children
- Governors
- Anyone whose personal data the School holds.

A Data Subject is entitled to:-

- Be told whether or not the personal information they want is held
- A description of the information
- Be told the purposes it is used for
- Be told who it is released to
- Receive a copy in intelligible form (codes explained) and a hard copy.

4. Subject Access

A subject has a right to a copy of their own personal information

- Requests can be made by a parent on behalf of a pupil where either; pupil is unable to act, or consents
- Request to be in writing
- School can ask for further information to help locate the information
- The School (not Governors) is responsible for dealing with Subject Access requests
- The right of access covers personal information held in:-
 - an Education Record
 - a computer
 - paper files
 - loose correspondence

5. Most Common Requests:

- Access to pupil file
- Police requests for pupil information
- CCTV in schools
- Requests for pupil information in connection with criminal proceedings
- Photography/video of pupils
- Information contained in adoption and parental order records.
- School websites
- Use of pupils for school marketing

(Please see Appendix 2, 3 and 4)

8. Retention of Information – guidelines for Academies

(Please see Appendix 5)



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**Subject Access Request Form
Section 1**

This form is used by Tile Hill Wood School and Language College 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 Academy).

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 Academy on 024 76426200.

Data subject's name _____

Address _____

_____ Post code: _____

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

_____ 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 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 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.

I enclose a cheque for £25 payable to Tile Hill Wood School & Language College.

Signed Date,

The Academy 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.



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APPENDIX I

**Data Protection Act
1998
and**

Updated: August 2012

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Data Protection Act

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5. **Action points for Tile Hill Wood School & Language College – Freedom of Information Act**

August 2012

DATA PROTECTION ACT

1. What is the Data Protection Act?

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- Information contained in adoption and parental order records.
- School websites
- Use of pupils for school marketing

6. Deadlines:

- Request for information from Education Records must be processed within 15 school days.
- Requests for all other information must be dealt with within 40 calendar days from when identity/location of information has been received from applicant.

7. Exemptions to access

Examples include:-

- Providing exam marks before they are officially announced
- Cases where disclosure would reveal a child is at risk of abuse

8. Main “offences”:-

- Breach of notice
- Making false information in response to an information notice
- Altering records with intent to prevent disclosure
- Unauthorised obtaining or disclosure of personal data or selling personal data which has been unlawfully obtained

9. Tile Hill Wood School & Language College - Data Protection Act

Achieved to date:

- Staff and parents have been made aware that a file is kept on them;
 - Induction - staff
 - Admissions form – students
 - Data Fair Processing Notice – students
- Agreement form has been devised for staff to sign concerning use of personal information via ICT, relating to the Academy’s students and staff.
- Sensitive, personal information on staff such as personnel files, have restricted access.
- Annual notification to the Information Commissioner’s office.
- Appoint a Data Protection “Champion” (Director of Resources)
- Produced an Information Security Plan to detail what needs to happen when reporting, managing and recovering from information loss incidents.
- Implemented a CCTV Policy
- Implemented a Subject Access Request Policy

10. Action points for Tile Hill Wood School & Language College – Data Protection Act:

- Implement a whole Academy procedure that all paper containing protected data must be shredded when no longer required (in progress)
- Delete or overwrite all ICT based files that contain protected data when no longer required
- Train staff (Data Handling Awareness). Make them more conscious of what is written about individuals and question is it necessary, how long will they keep it? Where will they keep it and why?
- Formalise the Information Management System and list all types of personal data held, how long for and where it is held. This should include CCTV tapes, staff files, pupil files and financial records etc.

FREEDOM OF INFORMATION ACT

1. What is the Freedom of Information Act?

The Freedom of Information Act 2000 (FOIA) gives the public the right of access to information held by public authorities and requires public authorities to make this information available. The intention of the Act is to increase visibility into the work of public bodies, to ensure that policy-making processes are fair, democratic and open.

Certain classes of information, such as information relating to security, are exempt from the Act.

The Academy's legal obligations are:-

- To provide access to recorded information, subject to legal exemptions
- To maintain a Publication Scheme
- To provide advice and assistance to those making requests for information

2. Refusing Freedom of Information Request

The 5 grounds for refusal are:-

- 1) The information is not held
- 2) The information is repeated
- 3) Information was reasonably required from the applicant which was not provided
- 4) The cost threshold of £450 (current) was reached
- 5) One or more of the exceptions apply

3. Code of Practice requirements for Freedom of Information

- Publish the Academy's requests for information and complaints
- Publicise the Freedom Of Information Act to applicants
- Help applicant's frame their requests
- To transfer requests, where appropriate
- To consult with third parties as to their views on disclosure of information relating to them

4. Exemptions to the Freedom of Information Act (23 Legal Exemptions)

1) Absolute Exceptions

To protect confidential or sensitive information for example: court records or where information is available through other means.

2) Qualified Exceptions

If the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Examples:

Health & Safety, Grounds,

Commercial interests,

Personal information relating to 3rd parties

Right to request information

- Anyone can apply from anywhere
- Applies to information recorded in any format that is held by the Academy
- Information is not “held” if you hold it on behalf of another
- A legal request will:
 - Be in writing
 - Describe the information requested
 - Include the name of the applicant and address for correspondence.

5. Action points for Tile Hill Wood School & Language College – Freedom of Information Act

- Produce a Publication Scheme and publish it on the website as well.
- Train Governors and Leadership Group on how to handle a Freedom of Information request. (Timescale within 20 school days or 60 days whichever is sooner, to process).
- Training to include how to manage exemptions.
- Ensure that the Academy retains a record of refusals and reasons, allowing Governors to review its access policy on an annual basis

August 2012