



DATA PROTECTION POLICY

Introduction

The aim of this policy is to provide a framework to enable staff, parents and learners to understand:

- The law regarding personal data
- How personal data should be processed, stored, archived and deleted/destroyed
- How staff, parents and learners can access personal data

It is a statutory requirement for all schools to have a Data Protection Policy. Please refer to link below –

<http://www.education.gov.uk/schools/toolsandinitiatives/cuttingburdens/a00201669/statutory-policies-for-schools>

Scope of the Policy

Education My Life Matters collects a large amount of personal data every year including information about its employees, learners and other users to allow it to monitor performance, achievements, and health and safety. It applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

It is also necessary to process information so that staff can be recruited, paid, attend courses organised and that meets the legal obligations and funding bodies that complies with government. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, EMLM must comply with the Data Protection Principles which are set out in the Data Protection Act 2018 (the 1998 Act) which are; -

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by EMLM.

Data Protection 8 Principles

The Data Protection Act 2018 sets out eight principles that must be adhered to in accordance of good information handling at all times:

1. Personal data shall be processed fairly and lawfully;

2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data
a. subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the
b. European Economic Area, unless that country or territory can ensure that there is an adequate level of data protection.

The Data Controller and the Designated Data Controllers

The School is the Data Controller under the 1998 Act, and the Executive board members are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day-to-day matters. The Education Strategic - Lead Head and **Executives Board Members** have the overall responsibility for Data Protection; but may appoint a **SIRO** to manage data.

EMLM have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. EMLM also have a duty to issue a Fair Processing Notice to all learners' parents/carers, this summarises the information held on the learner, and why it is held and the other parties to whom it may be passed on.

Further advice and guidance can be found at: <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/> or available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 5457453

EMLM has two Designated Data Controllers: They are the **Strategic Lead, Mark Reid** and the **school office administrator, Jacqui Fullerton**.

Any member of staff, parent/carer or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate **Designated Data Controller**.

Staff & Executive Board Members Responsibilities

- All staff are responsible for handling personal information
- Checking that any information they provide to the School in connection with their employment is accurate and up to date.
- Informing the School of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The School cannot be held responsible for any errors unless the staff member has informed the School of such changes.
- If and when, as part of their responsibilities, staff collect information about other people (e.g. about a learners work, opinions about ability, references to other academic institutions, or details of personal circumstances) they must comply with Schools Data Protection.
- Executive Board Members are required to comply fully with this policy in the event that they have access to personal data, when engaged in their role as a Executive Board member.

Data Security

All staff is responsible for ensuring that any personal data that they hold is kept securely, and is checked for accuracy. Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Personal information should be kept in a locked filing cabinet, drawer, or safe; or

- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.
- When obsolete information is destroyed appropriately and securely.
- Not be shared unless necessary and legal to do so.
- Staff must lock computer screens when not in use.
- Staff must not share password information.

Data Security

Not all data needs to be protected to the same standards, but the more sensitive or potentially damaging the data needs to be secured. There is inevitably a compromise between usability of systems and working with data. In EMLM, staff and teachers are used to managing risk, for instance during a PE or off-site visits where risks are assessed, controlled and managed. A similar process should take place with managing school data.

The DPA defines different types of data and prescribes how it should be treated. Further information can be found at <https://www.gov.uk/data-protection>

The loss or theft of any Personal Data is a “ Potential Data Breach” which could result in legal action against the school. The loss of sensitive personal data is considered much more seriously and the sanctions may well be more punitive.

Personal data

EMLM will have access to a wide range of personal information and data. The data may be held in a digital format or on paper records. Personal data is defined as any combination of data items that identifies an individual and provides specific information about them, their families or circumstances. This will include and is defined as the following:

- Personal information about members of the school community – including learners, members of staff and parents / carers e.g. names, addresses, contact details, legal guardianship contact details, disciplinary records.
- Academic data e.g. class lists, learner’s progress records, reports, and references
- Professional records e.g. employment history, and national insurance records, appraisal records, disciplinary records and references
- Any other information that might be disclosed by parents / carers or by other agencies working with families or staff members, and
- Can be held visually in photographs or video clips (including CCTV) or as sound recordings.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the School is a safe place for everyone, or to operate other School policies, such as the Sick Pay Policy or the Equal Opportunities Policy.

As such, because this information is considered sensitive under the 1998 Act, staff (and parents /carers of learners where appropriate) will be asked to give their consent for the School to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

The following note prescribes that – On some occasions it is important that medical information should be shared teachers and office staff to protect a learner - for instance if a learner had a nut allergy how it should be treated. However, appropriate written permission should be obtained from the parents / carers before posting information more widely.

Legal Requirements

Registration

EMLM is registered as a Data Controller on the Data Protection Register held by the Information Commissioner and each school is responsible for their own registration): http://ico.org.uk/for_organisations/data_protection/registration

Information for Data Subjects (Parents/Carer, Staff)

In order to comply with the fair processing requirements of the DPA, the school will inform parents / carers of all learners and staff of the data they collect, process and hold related to them. As such they will be informed of the purposes for which the data is held and the third parties (e.g. LA, DfE, etc.) to whom it may be passed. This privacy notice will be passed to parents / carers through a letter. More information about the suggested wording of privacy notices can be found on the DfE website:

<http://www.education.gov.uk/researchandstatistics/datatdatam/a0064374/pn>

This document is a statement of the aims and principles of EMLM, to ensure that confidentiality of sensitive information relating to staff, pupils, parents/carers and school Executive Board Members.

The Data Protection Act 2018 is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

Rights to Access Information

All staff, parents and other users are entitled to know what personal information the school holds, how it will be used and with whom it may be shared. This is known as the Schools Privacy Notice.

Subject Consent

In many cases, the School can only process personal data with the consent of the individual.

In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the School processing some specified classes of personal data is a

condition of acceptance of employment for staff. This included information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The School has a duty under the Children Act 1989 and other enactments to ensure that staff is suitable for the job. The School has a duty of care to all staff and pupils and must therefore make sure that employees and those who use School facilities do not pose a threat or danger to other users.

The School may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The School will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

Publication of School Information:

Certain items of information relating to School staff will be made available via searchable directories on the public Web site, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the School.

The school is required to 'notify' the Information Commissioner of the processing of personal data. This information will be included in a public register which is available on the Information Commissioner's website at the following link:

http://www.ico.gov.uk/what_we_cover/promoting_data_privacy/keeping_the_register.aspx

Retention of Data

The school has a duty to retain some staff and pupil personal data for a period of time following their departure from the school; (up to 25 years for SEND pupils and up to 18 years if not), mainly for legal reasons. This is also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time.

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Conclusion

Compliance with the 1998 Act is the responsibility of all members of staff employed by EMLM. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.