



Data Protection and Freedom of Information Policy 2022

Date Completed: March 2017

Written by: One Education's HR and People

Amended for Alma Park by: Karen Houghton

Ratified: March 2017 and Jan 2022

Review: March 2024



Alma Park Primary School

Achievement Partnership Success

Preamble

This policy and procedure was produced by One Education's HR and People service and has been amended to address circumstances relevant to Alma Park.

Introduction

Alma Park Primary School collects a large amount of personal data including: pupil records, staff records, names, and addresses of those requesting prospectuses, references, fee collection, as well as the many different types of research data used by Alma Park Primary School. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

This policy and procedure explains the duties and responsibilities placed on Alma Park Primary School under the legislation relating to data protection issues to ensure that all data is handled and stored securely. The document also explains the processes available to individuals to access information held by Alma Park Primary School.

Scope

This policy relates to all employees, volunteers, contractors, pupils and parents. It also explains how members of the public may request information held by Alma Park Primary School. Alma Park processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

Data Protection Principles

The GDPR is based on data protection principles that our school must comply with. The principles say that personal data must be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary for the purposes for which it is processed
- processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.



Alma Park Primary School

Achievement Partnership Success

Roles and responsibilities

The Governing Body

The Governing Body has overall responsibility for ensuring that the school complies with all relevant data protection obligations.

Data Protection Officer

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Danielle Eadie at RadCat and is contactable via 01942 590 785

Headteacher

The headteacher acts as the representative of the data controller on a day-to-day basis.

All staff

Staff are responsible for:

Collecting, storing and processing any personal data in accordance with this policy

Informing the school of any changes to their personal data, such as a change of address

Contacting the DPO in the following circumstances:

- With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
- If they have any concerns that this policy is not being followed
- If they are unsure whether or not they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties



Alma Park Primary School

Achievement Partnership Success

Collecting personal data

Lawfulness, fairness and transparency

School will only process personal data where one of the 6 lawful bases (as set out below) has been identified under data protection law:

- The data needs to be processed so that the school can fulfil a contract with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can comply with a legal obligation (i.e. DfE census information)
- The data needs to be processed to ensure the vital interests of the individual or another person (i.e. to protect someone's life by collecting data about food allergies or medical conditions)
- The data needs to be processed so that the school, as a public authority, can perform a task in the public interest or exercise its official authority (i.e. to support pupil learning, to monitor and report on pupil attainment progress, to provide appropriate pastoral care and to assess the quality of services)
- The data needs to be processed for the legitimate interests of the school (where the processing is not for any tasks the school performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent

For special categories of personal data, school will also meet one of the special category conditions for processing under data protection law.

School will always consider the fairness of any data processing. School will ensure it does not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

Limitation, minimisation and accuracy

- School will only collect personal data for specified, explicit and legitimate reasons.
- If school needs to use personal data for reasons other than those given when first obtained, school will inform the individuals concerned, and seek consent where necessary.
- Staff must only process personal data where it is necessary in order to do their jobs.
- School will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.
- In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or disposed of securely. This will be done in accordance with the school's record retention schedule.

Sharing personal data

School will not normally share personal data with anyone else without consent, but there are certain circumstances where it may be required to do so. These include, but are not limited to, situations where:

- there is an issue with a pupil or parent/carer that puts the safety of staff at risk



Alma Park Primary School

Achievement Partnership Success

- school needs to liaise with other agencies – consent will be requested as necessary before doing this
- school suppliers or contractors need data for the provision of services to staff and pupils – for example, IT companies. When doing this, school will:
 - only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data shared
 - only share data that the supplier or contractor needs to carry out their service

School will also share personal data with law enforcement and government bodies where legally required to do so.

School may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any pupils or staff.

Data security and storage of records

School will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices

Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely. School may also use a third party to safely dispose of records. Any third party will be required to provide sufficient guarantees that it complies with data protection law.

Subject Access Requests and Other Rights of Individuals

Subject Access Requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:



Alma Park Primary School

Achievement Partnership Success

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request in any form they must immediately forward it to the DPO.

Children and Subject Access Requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Responding to Subject Access Requests

When responding to requests, school:

- may ask the individual to provide 2 forms of identification
- may contact the individual via phone to confirm the request was made
- will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- will provide the information free of charge
- may tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

School may not disclose information for a variety of reasons, such as if it:

- might cause serious harm to the physical or mental health of the pupil or another individual
- would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, school may refuse to act on it, or charge a reasonable fee to cover administrative costs.



Alma Park Primary School

Achievement Partnership Success

School will also take into account whether the request is repetitive in nature when making this decision. When school refuses a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request. All requests must be made in writing to the DPO. The identity of the requestor must be established before the disclosure of any personal information. If the request is for a copy of the educational record, the school may charge a fee to cover the cost of supplying it.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow appropriate procedures and if required we will report the data breach to the ICO within 72 hours after becoming aware of it.

Training

All 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, guidance or the school's processes make it necessary.

Freedom of Information

The Freedom of Information Act (2000) (FOI) requires all Public Authorities (including schools) to produce a register of the types of information it will routinely make available to the public. Alma Park has adopted the model publication scheme approved by the Information Commissioner. Alma Park's publication scheme sets out the seven classes of information identified in the model publication scheme:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer



Alma Park Primary School

Achievement Partnership Success

Information will be provided on the School's website wherever possible. However, some information may only be available in hard copy. If it is not possible to access the information via the website, the School will make appropriate arrangements for the information to be made available upon request to the headteacher at Alma Park Primary School.

The purpose of the publication scheme is to make the greatest amount of information readily available at minimum inconvenience and cost to the requestor. Any charges made by the school will be kept to a minimum. Material which is published and accessed on a website will be provided free of charge.

Charges may be made to cover the School's costs such as: photocopying, postage and packaging and/or any costs directly incurred by the School as result of providing the information. If a charge is to be made, confirmation of the charge will be given before the information is provided and payment may be required prior to provision of the information.

Making a request under the Freedom of Information Act

Any requests for Information held by the school that is not published under the School's publication scheme should be made in writing to the school via letter or email.

The request will then be acknowledged in writing and if necessary, clarification will be sought on what is being asked for.

The School will usually respond to the request within 20 working days in one of the following ways:

- By providing the information requested;
- Confirming that it does not hold the information requested;
- Confirming that the information requested is already publicly available and where it can be obtained from; or
- Explaining whether any/all of the information is exempt from disclosure.

Refusing a request

The School will try to make as much information available as possible. However, sometimes there may be a valid reason for withholding information. Examples of when we may withhold information include:

- School intends to publish the information in the future;
- The law states the information must not be released.
- Disclosure would:
 - Breach confidentiality
 - Breach the Data Protection Legislation
 - Breach the public interest

Reasons will be provided if School decides to withhold information.



Alma Park Primary School

Achievement Partnership Success

Charges

Most information requested will be provided free of charge, although School may charge a fee for the photocopying/printing/postage of larger documents and where it is not available in the Publications Scheme.

School will not charge for time spent dealing with a request but there is no obligation to provide information if it would involve more than 18 hours work. In such cases, school will make contact with the requestor and discuss options.

If a charge is to be made, confirmation of the charge will be given before the information is provided and payment may be required prior to provision of the information.

Purpose of information provided

Any information provided by School following a request made in line with the Act may only be used for personal purposes.

Complaints

Any complaint about Data Protection or the information provided following a request should be referred to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Telephone 01625 545700, Website www.ico.gov.uk