

## **DATA PROTECTION POLICY**

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### **General statement**

1. The headteacher and the governors of the school intend to comply fully with the requirements and principles of the Data Protection Act 2018 Human Rights Acts 1998, and Freedom of Information Act 2000 in relation to the management of personal data in the school.
2. The school will endeavour to ensure that all processing is appropriately registered and notified and will review and update notified entries.
3. All staff involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities within these guidelines.
4. Staff deliberately acting outside their recognised authority may be subject to appropriate disciplinary proceedings.
5. It is recognised that other legislation (for example, the Crime and Disorder Act) may override Data Protection law.

### **Enquiries and information**

6. Enquiries about this policy should be made to the headteacher, who can also provide further information about school procedures.

### **Fair obtaining**

7. The school 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.

### **Data uses and processes**

8. The school will not use or process personal information that contravenes its statutory or registered and notified purposes.
9. 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.
10. A copy of the up to date notification/registration will be kept at the school for inspection purposes.

11. In general, the school will only process data with the consent of the subject (or with the consent of the parents or guardian acting on behalf of their child). There may be exceptions as outlined in the Data Protection Act where processing is necessary, for example, for the school to comply with its other legal obligations or to protect the vital interests of the data subject.

12. Only authorised and properly instructed staff are allowed to make external disclosures of personal data. Data used within the school should be made available to staff only if they need to know for their work in the school.

### **Data integrity**

13. The school will not collect data from individuals that is excessive or irrelevant in relation to the registered or notified purpose(s). Details collected will be adequate and no more. Information collected that becomes irrelevant or excessive will be deleted.

14. Information will only be held for as long as is necessary for the registered or notified period, after which the details will be deleted.

15. Data held will be as accurate and up-to-date as is reasonably possible. If a data subject informs the school 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.

16. 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 school will try to resolve issues informally and amicably with the individual but if this is not possible, any disputes will be referred to the governing body.

### **Security**

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

#### *Security*

18. The school building is fully alarmed whenever unoccupied, the alarms being set by Interserve or a member of the facilities staff, or the headteacher. The alarms are monitored by Kestrel Guards.

19. All personal data on paper is kept in the secretary's or headteacher's office in filing cabinets. The office doors are lockable when staff are not in them. No personal data is to be left on desks or computer screens when staff are not in the office.

20. Personal data on the computer can be accessed only by authorised personnel using individual passwords. Passwords are changed regularly. Backup drives are stored in a locked, metal cabinet to reduce the risk from fire, theft or other damage.

21. Laptop computers are assigned to named members of staff in the school inventory and kept in secure storage when off site, e.g. locked house, locked car boot.

### *Procedures and protocols*

22. The headteacher is responsible for giving access to all personal data records.
23. Personal data is rarely taken off site. If necessary (e.g. for a child protection conference) then the member of staff is responsible for the security of that information at all times. Information is transferred to new schools or other authorised receivers either electronically, when directed, or by hand, or by post in sealed envelopes, clearly addressed and marked 'confidential'.
24. The headteacher is responsible for making all staff aware of their responsibilities for data protection and for general security matters and their knowledge is updated as required.
25. Redundant data will be destroyed in accordance with the school's procedures for disposing of confidential materials.

### **Subject access/subject information requests**

26. Any person whose details are held by the school (data subjects) has 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 or prevention purposes.
27. The school 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.
28. The school's policy for dealing with requests for subject access in respect of a pupil is as follows:
  - Requests from parents or 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 their 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.
29. **The data controller (head teacher or authorised person acting on their behalf)** will make the judgement about whether a child has the necessary level of understanding, and will seek guidance from the Information Commissioner or Cornwall Council in the event of a dispute.
  - A subject access/information request should be submitted on the appropriate forms wherever possible to ensure that the school 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 school 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 a second request received so soon after the first it would be impossible for the details to have changed.

### **Complaints and appeals**

30. Complaints, disputes or challenges as described above should be first taken up with the headteacher (data controller) or an authorised person acting on their behalf.

## Subject Access Request Form

### Section 1

This form is used by Perran-ar-worthal School 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 school).

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 school office.

Data subject's name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Post code \_\_\_\_\_

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

\_\_\_\_\_ 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 3 If you are acting on behalf of the data subject

Do you have written permission?	Yes	No	If yes please attach a copy and proceed to section 3a
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### Section 3a

Please complete the following declaration

I ..... (Applicant) declare that I am an agent acting on behalf (the data subject) with their full knowledge and written consent (enclosed), or on behalf of a

child who does not understand the nature of the request and I am acting in their interest. I will only disclose the information to the data subject except with further authorisation from them.

Signed .....Agent / Parent.....

### *Section 3b: Details about the agent*

Data subjects name\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_Postcode\_\_\_\_\_Tel\_\_\_\_\_

### *Section 4*

Please state in your own words what information you require, include details of any reference numbers given to you like payroll or client numbers, or reasons why you believe the school has your personal information in its files.

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### *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.

Signed..... Date.....

The school 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.