



WITTON CHURCH WALK CE PRIMARY SCHOOL DATA PROTECTION POLICY 2017 - 2018

Mission Statement

Governors, parents and school staff worked together to agree a vision for Witton Church Walk Primary School which they felt was represented in the following quotation.....

'Where Every Door is Opened and Every Gift is Unlocked'

At Witton we are a partnership of school, church, home and community. We create a stimulating and caring environment, grounded in Christian belief and practice, so that all members of our school community feel happy, safe and secure. Time is taken to value and nurture each child educationally, creatively and spiritually. Children and staff are encouraged to aim for 'Everyday Excellence' and believe in themselves in order to achieve their full potential.

Our school works within the recommendations of The Equality Act 2010, Human Rights Act 1998 and the Children's Act 2004.

Witton Church Walk CE Primary School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools 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. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulation 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

General Data Protection Regulation 2018 establishes six enforceable data protection principles that must be adhered to at all times:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purpose and not further processed
- Adequate, relevant and limited to what is necessary
- Accurate and up to date
- Kept for no longer than necessary
- Processed in an appropriate manner to maintain integrity and confidentiality

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

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).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Head teacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact Mrs K Magiera, Head teacher, who will also act as the contact point for any subject access requests.

Records Management/Security & Control of Information

If you breach any aspect of Data Protection you must report it immediately to the Head teacher or Deputy Head teacher in her absence – Appendix 4.

The school recognises that the efficient management of its records and information is necessary to comply with its legal and regulatory obligations to contribute to the effective overall management of the school.

- The school will ensure that records are managed in line with the guidance in the CWAC Schools Information Governance Manual
- Protocols will be in place to ensure the school knows what information is held and by whom
- The school will use the Cheshire West and Chester Councils Record and Retention and Disposal Schedule and will ensure records are retained for the appropriate period and no longer, unless there are special reasons for doing so. (A copy of the CWAC Retention Schedule can be located in the School Office). The school will ensure that CWAC is informed of any new records created or of records held by the school which do not appear in the Retention Schedule.
- The school will ensure that records are held safely and securely with access restricted where appropriate, and in line with the guidelines in security and access in the CWAC Schools Information Governance Manual.
- The school will ensure that use of Email is properly controlled in line with the guidance in the CWAC Schools Information Governance Manual
- The school will ensure that use of the Internet is properly controlled in line with the guidance in the CWAC Schools Information Governance Manual
- The school will periodically review and monitor its records management systems to ensure standards, procedures, guidelines and security measures are in place and that records are held no longer than necessary

Condition of Processing

The processing and sharing of information will only be lawful if one of the following conditions are met:

- Necessary to meet contractual obligations entered into by data subject
- Necessary to comply with legal obligations of the controller
- Necessary to protect the vital interests of the subject
- Necessary for the tasks in the public interest or authority vested in the controller
- Purposes of legitimate interest
- Data subject gives consent for one or more specific purpose

When information is shared with multi agencies, for example for PEP meetings, Children in Need meetings, TAF meetings, Child Protection, Strategy meetings etc., the receiving agency **must destroy the paperwork within 48 hours after the date and time of the meeting.**

Use of Photographs

As children and staff enter our school they will be asked to give permission for the use of photographs. This permission will be used for the duration that they are a pupil of member of staff at our school. It is the pupil/member of

staff's responsibility to inform the school if the permission they have granted ceases and this must be put in writing.

Privacy Notice

As children enter Nursery or Reception, new staff are employed or there is an 'In Year' admission, information will be sent in our Privacy Notice explaining the data we process, how we will use it and who it will be shared with. They will be asked to read the terms and conditions and to give permission for this

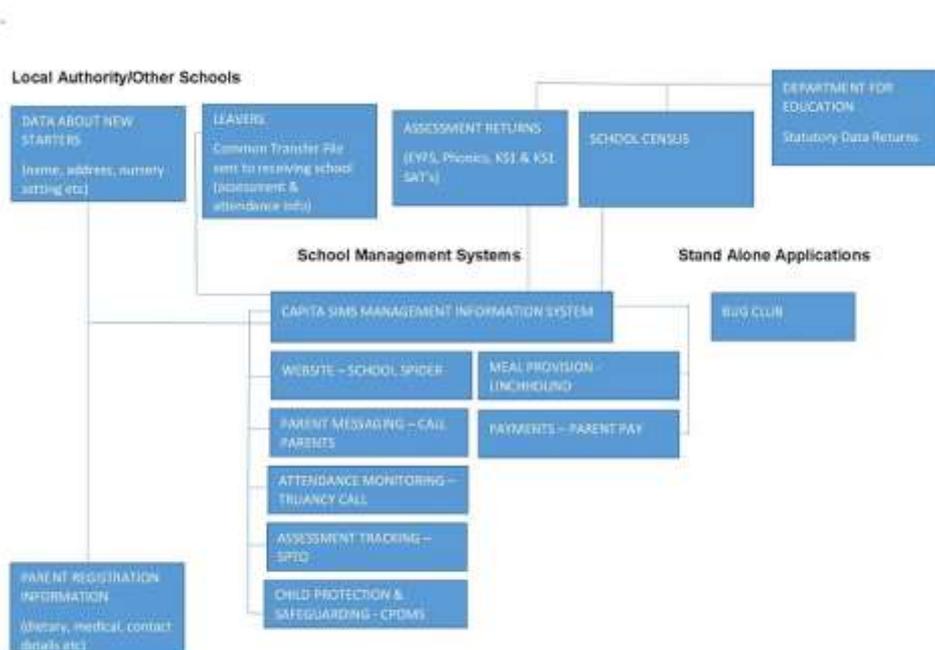
Training

The school will ensure that appropriate guidance and training is given to the relevant staff, governors and other authorised school users in handling requests, records management, security and access to information, using Emails and the Internet and protocols will be shared. Once shared, it is the staffs' responsibility to adhere to them.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745

Understanding our Data Flow

Personal data is captured in a variety of ways during school life and it is vitally important that consideration is given to who that data is shared with. Below is a snapshot of our school's data flow.



Appendix 1

Witton Church Walk CE Primary School

Procedures for responding to subject access requests made under the General Data Protection Regulation 2018.

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the General Data Protection Regulation 2018 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2005.

These procedures relate to subject access requests made under the General Data Protection Regulation 2018.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Mrs K Magiera. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 13 or above, although this is only a guide) and the nature of the request. The Head teacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child. Proof is needed that the person requesting this is the parent or legal guardian.

4. The school may make a charge for the provision of information, dependant upon the following:

- Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £50 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Head teacher.

5. The response time for subject access requests, once officially received and identification has been verified, is 30 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 30 days will not commence until after receipt of fees or clarification of information sought, although if a request is made under EPRI, (2), then the response time is 15 school days.

6. The General Data Protection Regulation 2018 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure**.

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 30 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the

method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Appendix 2

Requests for information from agencies (Police, Health Authorities, Social Care etc.)

The agency concerned must make their request in writing and give full details of the information they require and why they need it.

Any information forwarded to an agency will be recorded by the school in full, detailing:

- who the information was sent to,
- how it was sent,
- exactly what information was sent,
- why the agency want this information,
- date the information as sent.

Unless there is a Court Order to request this information, it is at the Head teacher's discretion as to whether this information is offered. These records are recorded in the Data Protection file in the main office.

Appendix 3

Sharing information to another school

All requests for the transfer of information from our school to another must be made through the school office or a member of the SLT team.

A 'Transfer of Information' sheet must be completed and then signed for by the other school, with a copy kept in the Safeguarding file in the Head Teacher's office.

Appendix 4

Breach of Information

C – contain the breach as soon as possible

A – assess what damage has been done and the possible impact it will have

N – notify; who do we tell?

E – evaluate the breach

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact Mrs K Magiera, Head teacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone