

Lakeside School

Data Protection Policy

1. General Statement

In order to operate efficiently Lakeside School has to collect and use information about people with whom it works. These may include pupils, parents, members of staff, governors and contractors. In addition the School may be required by law to collect and use information in order to comply with legal requirements.

The School are committed to ensuring personal information is properly managed in accordance with the Data Protection Act 1998 [DPA]. The School will make every effort to meet their obligations under the legislation and will regularly review procedures to ensure that they are doing so.

2. Responsibilities

The Governing Body of Lakeside School has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with the DPA, Education Regulations and all other statutory provisions. The Governing Body is the 'data controller' under the DPA.

The Head teacher is responsible for ensuring compliance with the law and this policy within the day to day activities of the School. The Head teacher is responsible for ensuring that appropriate training is provided for all staff.

All members of staff or contractors who hold or collect personal data are responsible for their own compliance with the DPA and must ensure that personal information is kept and processed in-line with the DPA

3. Scope

This policy applies to all employees, governors, contractors, agents and representatives and temporary staff working for or on behalf of the School.

This policy applies to all personal data created or held by the School in whatever format (e.g. paper, electronic, email, microfiche, film (including CCTV)) and however it is stored, (for example ICT system/database, shared drive filing structure, email, filing cabinet, shelving and personal filing drawers).

4. Notification

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence. The Information Commissioner maintains a public register of data controllers, in which the Schools are registered.

The Schools' entries on the Data Protection Register can be found at <http://www.ico.gov.uk/ESDWebPages/search.asp> search for Lakeside School) and

are available for inspection at the Schools. The entries will be reviewed annually, prior to renewing the notification to the Information Commissioner.

5. The Requirements

The DPA stipulates that anyone processing personal data must comply with eight principles of good practice; these principles are legally enforceable. The principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Shall be kept secure i.e. protected by an appropriate degree of security;
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

Personal data is information about living, identifiable individuals. It covers both facts and opinions about the individual. Such data can be part of a computer record or manual record.

6. Privacy Notices

Whenever personal data is collected about individuals they must be made aware of the following:

- The identity of the data controller, e.g. the School;
- The purpose that the information is being collected for;
- Any other purposes that it may be used for;
- Who the information will or may be shared with; and
- How to contact the data controller.

This must be at the time that information first starts to be gathered on an individual and will normally be printed on the form collecting the data.

7. Processing (Use) of Data

Personal data may only be processed if the conditions contained in the DPA are met. "Processing" means obtaining, recording or holding the information or data or carrying out any operations on the information or data.

A list of the conditions that must be met can be found either at www.legislation.gov.uk or on the Information Commissioner's website (www.ico.gov.uk).

In practical terms what these conditions mean is that:

1. The School will, in general, only disclose personal data about individuals with their consent.

2. However, there are circumstances under which the School's authorised officers may need to disclose personal data without explicit consent for that occasion. These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the schools to perform their statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of the child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
- Data disclosed to other authorities where it is necessary in the public interest e.g. prevention of crime.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer and/or photocopying system. In such circumstances, the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the LA are contractually bound not to disclose personal data.

Only authorised and trained staff, are allowed to make external disclosures of personal data. Data used within the School by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the School who needs to know the information in order to do their work. The School will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse

When giving information to an individual, particularly by telephone, it is most important that the individual's identity is verified. If in doubt, questions should be asked of the individual, to which only he/she is likely to know the answers. Information should not be provided to other parties, even if related. For example: in the case of divorced parents it is important that information regarding one party is not given to the other party to which he/she is not entitled.

8. Information Security

Lakeside School undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

- Appropriate building security measures are in place, such as alarms, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the computer and administration rooms. Records are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.
- Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly.
- In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. [Further details can be found in the Schools ICT Acceptable Use Policy] Documents containing personal data are shredded before disposal.
- Obsolete computers and photocopiers will be disposed of appropriately to ensure that hard discs are wiped and data files removed.

Overall security policy for data is determined by the headteacher in each school and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.

Any queries or concerns about security of data in the School should in the first instance be referred to the relevant headteacher.

All members of staff should be constantly aware of the possibility of personal data being seen by unauthorised personnel. For example, possibilities may arise when computer screens are visible to the general public; files may be seen by the cleaners if left on desks overnight (all papers containing personal data must be locked in cabinets when not in use).

9. Maintenance of up to date data

Out of date information should be discarded if no longer relevant. Information should only be kept as long as needed, for legal or business purposes. In practice, most relevant information should be kept for the period during which the person is associated with the School plus an additional period during which the School may need to consult the records, for example, for references.

10. Inaccurate Data

If an individual complains that the personal data held about them is wrong, incomplete or inaccurate, the position should be investigated thoroughly including checking with the

source of the information. In the meantime a caution should be marked on the person's file that there is a question mark over the accuracy. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

11. Recording of Data

Records should be kept in such a way that the individual concerned can inspect them. The information recorded should therefore be correct, unbiased, unambiguous and clearly decipherable/readable. Where information is obtained from an outside source, details of the source and date obtained should be recorded.

Any person whose details, or child's details, are to be included on the Schools' website(s) will be required to give written consent. At the time the information is included all such individuals will be properly informed about the consequences of their data being disseminated worldwide.

12. Photographs

No photographs, videos or DVD images will be displayed in the school, in paper publications or on the website without the written consent of the subject or in the case of a student his or her parents or carers.

13. The individual's right to access their personal information (Subject Access Requests)

The Data Protection Act gives all data subjects a right of access to their own personal data, subject to a number of limited exceptions, for example if granting access would be likely to cause serious harm to the physical or mental health of the individual or someone else. The Education (Pupil Information) Regulations also give rights of access to educational records.

In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the schools' policy is that:

- Requests from pupils will be processed as a subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

Requests for access must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form (attached), available from the School Office. Completed forms should be submitted to the relevant Headteacher. Provided that there is sufficient information to process the request, an entry will be made in the Subject Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

The School may make a charge of up to £10 for responding to a subject access request and up to £50 (on a sliding scale for photocopying charges) for access to a pupil's educational record.

14. Breach of the policy

A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal. Individual members of staff can be personally liable in law under the Data Protection Act. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data.

Further details on any aspect of this policy and its implementation can be obtained from the Headteacher.

ACCESS TO PERSONAL DATA REQUEST

DATA PROTECTION ACT 1998 Section 7.

Enquirer's Surname.....Fore Names.....

Enquirer's Address
.....
.....

Enquirer's Postcode

Telephone Number

Are you the person who is the subject of the records you are enquiring about YES / NO
(i.e. the "Data Subject")?

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the
records you are enquiring about? YES / NO

If YES,

Name of child or children about whose personal data records you are enquiring

.....
.....

Description of Concern / Area of Concern

Description of Information or Topic(s) Requested (In your own words)

Additional information.

Please despatch Reply to: *(if different from enquirer's details as stated on this form)*

Name

Address

Postcode

DATA SUBJECT DECLARATION

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent)

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Name of "Data Subject" (or Subject's Parent)

(PRINTED).....

Dated

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