



SECKFORD FOUNDATION
FREE SCHOOLS TRUST

**POLICY
DOCUMENT**

Data Protection Policy

Document Owner:	Trust Board
Responsible Trust Committee:	Finance and General Purposes Committee
Date Approved:	Trinity Term 2017
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APPROVED Signature (Trust Board):	DATE ()
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1. Other relevant policies and documents

- Confidentiality Policy
- Freedom of Information Policy
- ICT Policy
- Information Security Policy
- Safeguarding Policy
- Access to Student Records Policy

- Data Protection Acts

2. Explanation of terms used in the policy

'Trust' = Seckford Foundation Free Schools Trust

'Free School(s)' = schools within the Trust

3. Purpose of the policy

This document outlines the Data Protection Policy for the Free Schools within the Trust. This policy covers the Trust and all its Free Schools, for which the Trust is the data controller (within the meaning of the Data Protection Act 1998), and as such there is no need for each Free School to have its own policy.

4. Introduction

The Trust and its Free Schools collect and uses certain types of personal information about staff, students, parents / carers and other individuals who come into contact with the Trust and its Free Schools, in order that we may provide education and associated functions.

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.

This policy is intended to ensure that personal information must be dealt with properly and securely and in accordance with the Data Protection Act 1998 and other related legislation. 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.

This Policy does not cover the application of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004: please see our Freedom of Information Policy.

5. Data Protection Act

There are 8 Data Protection Principles as laid down in the 1998 Data Protection Act which must be followed at all times, unless an exemption applies:

- Data must be processed fairly, lawfully and may only be used for the specific purposes for which it was collected;
- Personal data shall be obtained only for one or more specific and lawful purposes;
- Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed;
- Personal data shall be accurate and where necessary kept up to date;
- Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose;
- Personal data shall be processed in accordance with the rights of data subjects under the 1998 Data Protection Act;
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. These include technical measures (such as firewalls) and organisational measures (such as staff training);
- Personal data shall not be transferred to a country outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

6. Policy statement

The Trust is committed to maintaining the 8 principles outlined above. This means that the Trust and its Free Schools will:

- Obtain consent if required for the processing of personal data (please note that consent may not be required if the processing is necessary for the Trust to undertake its obligations to students, and their parents / carers: for example under a contract, or to protect students or others from harm, to fulfil the lawful and legitimate interests of the Trust, or because of some right or obligation conferred on the Trust by law);
- If information is shared we will (except in occasional circumstances where it is lawful and appropriate not to do so) explain to those concerned why, with whom and under what circumstances;
- We will check the quality and accuracy of the information we hold;
- Apply our Confidentiality Policy and Information Security Policy and procedures therein to ensure that information is securely maintained;
- Review the data we hold at regular intervals to ensure personal information is not held longer than is necessary;
- Ensure that when information is properly authorised for disposal this is done securely;
- Ensure appropriate security measures to safeguard personal information whether that is held in paper files or on our computer system;
- We will share personal information with others when it is necessary and legally appropriate to do so;
- We will refer to the Freedom of Information Policy when responding to requests for access to personal information (these requests will be recorded and this information will be reviewed by the Trust Board. An administration fee may be payable);
- We will refer to the Access to Student Records Policy when responding to requests for access to student records (these requests will be recorded and this information will be reviewed by the Trust Board. An administration fee may be payable);
- Train our staff so that they are aware of our policies and procedures;

- This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998 and subsequent legislation or regulation.

Sensitive personal data

The School may, from time to time, be required to process sensitive personal data about staff, pupils or parents. Sensitive personal data includes medical information and data relating to religion, race, trade union membership and criminal records and proceedings. Where sensitive personal data is processed by the School, the explicit consent of the subject will generally be required but there are circumstances where it is not: for example, where necessary to protect the vital interests of individuals, or where required by law (including in the context of employment) or by a statutory authority.

7. Data protection at the Trust and its Free Schools

7.1 Data accuracy:

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the Trust or its Free Schools of a change of circumstances their records will be updated as soon as is practicable.

Where a data subject challenges the accuracy of their data, the Trust or its Free Schools will immediately mark the record as potentially inaccurate and until resolved the marker will remain and all disclosures of the affected information will contain both versions of the information.

7.2 Data adequacy and relevance:

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the Trust and its Free Schools will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

7.3 Authorised disclosures:

The Trust and its Free Schools will, in general, only disclose data about individuals with their consent. However there are circumstances under which the Trust and its Free Schools may need to disclose personal data – even sensitive personal data – without explicit consent for that occasion. These circumstances are generally limited to:

- Student data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations;
- Student data disclosed to authorised recipients in respect of safeguarding (health, safety and welfare);

- Student data disclosed to parents / carers 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; or
- where expressly requested by a relevant authority.

Only authorised and trained staff are allowed to make external disclosures of personal data and internal processing of personal data, in particular sensitive personal information, is handled by appropriate staff on a need-to-know basis. Data used within the school by administrative staff, teachers and those external agencies with which we work, will only be made available where the person requesting the information is a professional legitimately working within the school who need to know the information in order to do their work. The school will not disclose anything on students' 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. See Safeguarding Policy for further information.

7.4 Data and computer security:

Physical security

Appropriate building security measures are in place, such as alarms, window locks and deadlocks. Only authorised persons are allowed in the network server room. Laptops and printouts 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 whilst in the building (see Safeguarding Policy).

Electronic data security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files that are password protected. Computer files are backed up daily to a central, secure server.

Procedural security

In order to be given authorised access to the computer network, staff will have to sign an Acceptable Use Policy (see ICT Policy). All staff are trained in their data protection obligations and their knowledge updated as necessary. Printouts as well as source documents containing confidential information are shredded before disposal (see Information Security Policy).

The Trust is liable as data controller for the acts of its staff, but individual members of staff should be aware they can be personally liable in law for security failures or wrongful disclosures including under the law of libel, confidentiality, or misuse of private information.

8. Complaints

Any complaints about this policy from outside the Trust should be made in accordance with the Trust's Complaints Policy. Any other complaints should be brought to the attention of the

Headteacher of the relevant Free School in the first instance.

Complaints that are in the public interest and relate to suspected malpractice may be appropriate to raise under the Trust's Whistleblowing Policy.

9. Compliance and performance monitoring

The Trust Board will review this policy every two years and ensure that practice across all schools is in line with this policy. Any review will take into account the most up-to-date legislation and guidance.

The Trust has identified a range of Assurance Methodologies as tools by which compliance with polices can be tested. Those most relevant to this policy include:

- External Audit
- Internal Audit
- External review (by others in the same field)
- Governor visit/report
- Random testing by line managers

Appendix 1

Privacy Notice - Data Protection Act 1998

We, the Seckford Foundation Free Schools Trust, are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the names and addresses of you and your parent(s), and any further information relevant to the support services' role.

However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, addresses and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please tell the School Administrator Manager if you

wish to opt out of this arrangement. For more information about young people's services, please go to the National Careers Service page at <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>

We will not give information about you to anyone without your consent unless the law and our policies require us to.

We are required by law to pass some information about you to our Local Authority (LA), the Department for Education and other statutory bodies.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use of the LA.

If you want to receive a copy of the information about you that we hold or share, please contact the Headteacher.

If you need more information about how the LA and DfE store and use your information, then please go to the following websites:

<https://www.suffolk.gov.uk/about/privacy-and-data-protection/> or

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you cannot access these websites, please contact the LA or DfE as follows:

Information Management Services
Suffolk County Council
Endeavour House
Russell Road
IPSWICH
IP1 2BX

Website: <http://www.suffolk.gov.uk/>
Email: information.management@suffolk.gov.uk
Telephone: 01473 264656

Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: <http://www.education.gov.uk>
Email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288