

# Charlton House Independent School



**'Love One Another'**

## **DATA PROTECTION POLICY**

The aim of the policy is to ensure that we do all that is reasonable to comply with the Data Protection Act 1998, Human Rights Act 1988, Freedom of Information Act 2000 and in recognition that the Crime and Disorder Act may override the Data Protection Law 1998 and Criminal Justice Act 2003 when we process relevant personal data about current, past or prospective pupils, their families and guardians and School staff.

"Processing" may include creating, obtaining, recording, holding, disclosing, amending, destroying or otherwise using personal data

### **The Data Protection Principles**

In accordance with the eight Data Protection Principles in the Act (1998) we will do all that is reasonable to ensure that all personal data is:

- Processed for a lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and up-to-date;
- Not kept for longer than necessary;
- Processed in accordance with the Data Subject's rights;
- Secure;
- Not transferred to other countries without adequate protection.

### **Meaning of "personal data"**

"Personal data" means any information relating to an identified or identifiable natural person. "Identifiable" means one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to physical, physiological, mental, economic, cultural or social identity.

Every school is required, as part of its operation, to process a wide range of personal data which may include:

- Names, addresses, date of birth and national insurance numbers.
- Bank details and other financial information.
- Academic, disciplinary, admissions and attendance records and references.
- Medical records.
- Examination scripts and marks.
- Photograph/s and CCTV images.

### **Processing of personal data**

We will only process personal data about a pupil, a parent, a legal or educational guardian and staff if relevant consent has been given and/or the processing is necessary:

- For the performance of our contract with parents/carers; or
- To comply with a legal obligation; or
- To protect the vital interests of the Data Subject; or
- For the administration of justice; or
- For the legitimate interests of the School or a third party (such as another school or an examining board).

### **Sensitive personal data**

We may, from time-to-time, be required to process sensitive personal data relating to a pupil, a parent, a legal guardian, education guardian or staff member. Sensitive personal data is information as to racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical/mental, medical information, sexuality, criminal offences and sentences imposed.

## **Other types of Data not covered by the act**

This is data that does not identify a living individual and therefore is not covered by the remit of the DPA this may fall under other access to information procedures.

It would include Lesson Plans (where no individual pupil is named), Teaching resources, and other information about the school which does not relate to an individual. Some of this data would be available publicly (for instance the diary for the forthcoming year), and some of this may need to be protected by the school (If the school has written a detailed scheme of work that it wishes to sell to other schools).

Schools may choose to protect some data in this category but there is no legal requirement to do so.

Note -On some occasions it is important that medical information should be shared more widely to protect a child -for instance if a child had a nut allergy, how it should be treated. This information is then displayed in the staff room.

## **Transporting, storing and deleting personal data**

The policy and processes of the school will comply with the guidance issued by the Information Commissioner's Office - ICO. This dictates that data will not be transferred outside the European Economic Area (EAA) except where a company complies with European Commission-approved model contract clauses. \*. [http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index_en.htm)

## **Information security -Storage and access to data**

### Technical Requirements

The school will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them. Access to protected data will be controlled according to the role of the user.

Personal data may only be accessed on machines that are securely password protected. Any device that can be used to access data must be locked if left (even for very short periods). Staff must lock their laptops/PCS when not in use (Windows key +L) and set to automatically lock if not used for five minutes. This can be implemented by enabling screen saver and enabling the 'required' password to unlock' setting in Windows.

All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.

Personal data can only be stored on school equipment (this includes computers and portable storage media where allowed). Private equipment (ie owned by the users) must not be used for the storage of personal data.

## **Portable Devices**

When personal data is stored on any portable computer system, USB stick or any other removable media:

All staff laptops must be fully encrypted requiring a password on boot-up to decrypt and boot in to Windows.

The device must be password protected (many memory sticks / cards and other mobile devices cannot be password protected).

The data must be securely deleted from the device, in line with school policy (below) once it has been transferred or its use is complete.

Sensitive personal data will generally be processed only where one of the following conditions applies:

- The Data Subject has given explicit consent or
- One of the conditions in paragraph 6 above applies or
- The information has already been made public by the Data Subject or

- There is a medical or statutory requirement to process the data, for example, a statutory requirement to safeguard and promote the welfare of the Data Subject or any statutory requirement to notify a suspicion of money laundering, or co-operate with the authorities in other ways.

### **Rights of access to data**

All staff, parents/carers and other users are entitled to:

- know what information the School holds and processes about them or their child and why.
- Know how to keep it up to date
- Individuals have a right of access to their personal data unless an exemption applies (see below).

An individual wishing to access their personal data should put their request in writing to the Headteacher.

We will respond to a request for access to records within forty days of receiving the request (as required by the 1998 Act) or earlier if practicable. For these purposes, a request which arrives while the School is closed for holidays will be treated as having been received when the School next re-opens.

### **Exemptions from the right of access**

The Act provides that certain data is exempt from the right of access, including:

- Information which identifies other individuals.
- Information which we reasonably believe likely to cause damage or distress.
- Data prepared solely or mainly to request or give legal advice.
- Examination scripts written by a pupil.
- Data that does not concern a living individual.
- Data that is not part of a manual or electronic filing system.
- Data that may be evidence in criminal proceedings.
- (In some cases) documents protected by copyright.

We will also treat as confidential any reference in our possession which has been prepared or given to current or prospective education, training or employment of a pupil or staff member. We acknowledge that an individual may have a right of access to a reference which we receive about them from another source. Such reference will only be disclosed, however, if:

- Disclosure will not identify the source of the reference; or
- The referee has given consent; or
- Disclosure is reasonable in all the circumstances.

### **Who can exercise the rights?**

Rights under the Act belong to the individual to whom the personal data relates. In most cases, however, we are entitled to rely on parental/carer consent to process data relating to pupils unless, in the particular circumstances, it is unreasonable to rely on the parents/carers' consent. This could arise, for example, if there is a conflict of interests between parents/carers and a pupil or if disclosure of information would interfere with a pupil's lawful right to confidentiality.

We will only grant a pupil direct access to their personal data if we reasonably believe that the pupil understands the nature of the request and that access would not be likely to cause damage or distress to the pupil or other pupils.

### **Requests from third parties**

We will normally disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend, or to a prospective employer;
- To publish the results of public examinations or other achievements of pupils at the School;

### **Employees of the school**

All Staff have a responsibility to ensure that they process any data in relation to pupils or staff files in accordance with this Data Protection Policy in particular that it is adequate, relevant and not excessive; accurate and up-to-date.

### **Administration**

We will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents/carers or guardians, or staff members where it is reasonably necessary for them to do so. All members of staff will be made aware of this policy and of their duties under the Act. We will do all that is reasonable to ensure that personal information is held securely and is not accessible to unauthorised persons.

On entry to the school a Privacy Notice - Data Protection Act 1998 information sheet will be issued to all new parents/carers.

**Reviewed and approved by the full governing body Feb 2021**

**To be reviewed by FGB Feb 2022**

<b>Date</b>				
<b>Reviewed by</b>				