



L.E.A.D. Academy Trust

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# **Birley Academy Data Protection Policy (Academy Level)**

**Review frequency:** At least every two years. (Registration is annual.)

**Approval:** Governing body free to determine how to implement.

## Policy Statement

### Introduction

This statement sets out the legal framework, the definitions and our policy expectations.

The L.E.A.D. Academy Trust is registered as a Data Controller with the Information Commissioner's Office which means that it determines for what purposes all personal information held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for. The L.E.A.D. Academy Trust is fully compliant with the ICO's data management regulations and the relevant provisions of the Data Protection Act 1998.

The Data Protection policy is intended to ensure that personal information is dealt with correctly 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 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 the guidance below.

The L.E.A.D. Academy Trust requires this policy to be implemented by all its member academies.

Each academy must have a policy which sets out clearly that the academy collects and uses personal information about staff, pupils, parents/carers and other individuals who come into contact with the academy, 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 academy complies with its statutory obligations.

The L.E.A.D. Academy Trust defines the policy expectation, but the responsibility for implementation of the policy rests with the Headteacher of each academy.

## **Disclosure**

The L.E.A.D. Academy Trust may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The individual/service user will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows The L.E.A.D. Academy Trust to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of an individual/a service user or other person
- c) The individual/service user has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the individual/service user's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill individuals/service users to provide consent signatures.

The L.E.A.D. Academy Trust regards the lawful and correct treatment of personal information as very important to our successful working, and to maintaining the confidence of those with whom we deal.

The L.E.A.D. Academy Trust intends to ensure that personal information is treated lawfully and correctly.

To this end, The L.E.A.D. Academy Trust will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

**Cross Reference:** Freedom of Information Policy; Equality Policy; Child Protection and Safeguarding Policy.

## **Legal Framework**

[The Data Protection Act 1998](#) establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;

7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data 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.

### **What are 'personal data' and 'sensitive personal data'?**

#### **Personal data**

Section 1(1) of the Data Protection Act defines 'personal data' as data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of the data controller; and it includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

#### **Sensitive personal data**

'Sensitive personal data' is defined in section 2 of the Data Protection Act as personal data consisting of information relating to the data subject with regard to racial or ethnic origin; political opinions; religious beliefs or other beliefs of a similar nature; trade union membership; physical or mental health or condition; sexual life; the commission or alleged commission by the data subject of any offence; or any proceedings for any offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

#### **Registration with the ICO**

Academies 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 [Information Commissioner's Office website](#).

## **Birley Academy Data Protection Policy**

It is Birley Academy policy to:

- Inform individuals why 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 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 staff are aware of and understand the academy's policies and procedures.

### **Attachments**

#### **1. Fair Processing Notice**

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

#### **2. Information Security Statement**

A more straightforward statement may also be used.

#### **3. Information Commitment Statement**

This statement may be displayed in the academy to ensure everyone is informed about the intentions and security policies in place.

#### **4. Data (Records) Management Procedure**

Each academy must adhere to a strict procedure as to when, how and if records may be retained or destroyed.

## **1. Example of Fair Processing Notice letter for parents/carers**

Schools, local authorities (LAs), the Department for Education (DfE) and Ofsted all process information on pupils in order to run the education system, and in doing so have to comply with the Data Protection Act 1998. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. We are therefore writing to tell you about the types of data held, why that data is held, and to whom it may be passed on.

The academy holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the academy as a whole is doing. This information includes contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time academies are required to pass on some of this data to the DfE and to other agencies, such as Ofsted and the Local Authority, that are prescribed by law.

The LA uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil may have, and to fulfil its responsibilities in the area of admissions.

The DfE uses information about pupils to administer the National Curriculum tests and assessments. The results of these are used to compile statistics on trends and patterns in levels of achievement.

Ofsted uses information about the progress and performance of pupils to help inspectors evaluate the work of schools and academies, to assist schools and academies in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual pupils.

The Department for Education (DfE) uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole.

The DfE will also provide Ofsted with pupil-level data for use in school inspection. Where relevant, pupil information may also be shared with post-16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans.

Pupils themselves have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents/carers exercising this right on their behalf if they are too young to do so themselves. If you wish to access the personal data held about your child, then please contact the relevant organisation in writing. The different organisations can be contacted as follows:

- The academy, using the address written on the letterhead
- Ofsted's Data Protection Officer at Alexandra House, 33 Kingsway, London, WC2B 6SE
- The DfE's Data Protection Officer at DfE, Caxton House, Tothill Street, London, SW1H 9NA

In order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requestor's identify and any further information required to locate the information requested.

Separately from the Data Protection Act, regulations provide a pupil's parent/carer (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the academy. If you wish to exercise this right you should write to the academy.

## **2. Information Security Statement**

### **Introduction**

The academy's investment in the acquisition, storage and use of electronic and paper-based information exists primarily to help provide the effective delivery of its services. This information is held about a variety of people and it is essential that the availability and confidentiality of accurate relevant information is maintained in a secure and legal environment.

The academy is committed to achieving policy requirements through an Information Security process. To actively demonstrate this, we aim to provide assurance to pupils, parents/carers, governors and staff that sound and secure measures are in place to protect the confidentiality, integrity and availability of their information. This assurance is recorded in the academy's Information Commitment Statement (See below).

### **Aim**

The information security objective is to ensure that the academy's information base is protected against identified risks so that it may continue to deliver its services and obligations to the community. It also seeks to ensure that any security incidents have a minimal effect on its business and academic operations. As such, the purpose of this policy is to protect the academy's information assets from all threats, whether internal or external, deliberate or accidental.

The key aims of the policy are to ensure that:

- Information is protected from unauthorised access
- Confidentiality of personal or sensitive information is assured
- Integrity of information is maintained
- Information is disposed of in a timely, appropriate and secure manner
- Legislative requirements and school policy and practices are observed
- Business continuity plans are produced, maintained and tested
- Information security training is available to all school staff
- Appropriate monitoring and reporting processes are put in place to identify and act upon breaches of information security.

### **Supporting Framework**

In order to achieve this, the academy will develop and maintain information security standards. Procedures, working practices and protocols will be developed to support this policy. Examples of measures to achieve the above are physical security, virus control and the use of passwords for access control. The development of any new system will include information security analysis and requirements as part of the initial specification.



### **3. Information Commitment Statement**

#### **When we collect information:**

- We will only collect information that is necessary for what we do
- We will be fair in the way we collect information about you
- We will tell you who we are and what we intend to do with the information about you
- Where practicable, we will collect information which relates to you directly from you
- If we collect information about you from someone else we will, wherever possible, make sure you know we have done this

#### **Your information – Our commitment**

The academy holds a great deal of information, much of which is confidential. This may be information about:

- our pupils
- our pupils' parents/carers
- our governors
- our teachers and other staff

If we hold information about you, we wish to assure you that we are processing the information fairly and lawfully and that we will inform you of the purposes for which we require the information when you supply it to us.

#### **When we use and disclose information about you:**

- We will only use or disclose your information for legitimate purposes about which you have been told unless we are required to do otherwise for legal reasons

#### **Information quality**

- We will ensure that information about you is accurate and up to date when we collect or use it. You can help us to achieve this by keeping us informed of any changes to the information we hold about you

#### **Information security**

- We will keep information about you secure
- We will protect your information against unauthorised use, damage, loss and theft

#### **Retention**

- We will hold information about you for as long as necessary but, subject to any statutory retention periods, we will ensure that the information is disposed of in a secure and proper manner when it is no longer needed

#### **Openness**

- We will be open with you about what kinds of information we hold and what we do with it

#### **Access and correction**

- Wherever possible, we will let you see the information we hold about you (should you wish) and correct it if it is wrong

**In general**

- We will comply with the provisions of the Data Protection Act 1998 and any subsequent legislation relating to information handling and privacy. We will achieve this through the academy's Information Security and Data Protection Policies supported by proper working practices and procedures.

**Responsibilities**

The Headteacher has direct responsibility for maintaining this policy and providing advice and guidance on its implementation. The Headteacher will also have responsibility for ensuring that the academy's Senior Leadership Team is aware of the policy and its associated standards.

All staff are responsible for policy implementation and for ensuring that as staff they also manage to adhere to the standards.

**Implementation**

This policy will be made available to all pupils, parents, guardians, staff (whether permanent or temporary) and governors.

**Review**

The academy's Senior Leadership Team will review this policy annually and any changes necessary as a result of this review will be implemented without delay.

## **4. Data (Records) Management Procedure**

### **Introduction**

The academy recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the academy. This document provides the framework through which this effective management can be achieved and audited.

### **Scope**

- This procedure will be applied to all records created, received or maintained by staff of the academy in the course of carrying out its functions.
- Records are defined as all those documents which facilitate the business carried out by the academy and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- A small percentage of the academy's records will be selected for permanent preservation as part of the institution's archives and for historical research.

### **Responsibilities**

- The academy has a corporate responsibility to maintain its records and record-keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Headteacher.
- The person responsible for records management in the academy will give guidance for good records management practice and will promote compliance with this procedure so that information will be retrieved easily, appropriately and timely.
- Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the academy's records management guidelines.