

## Trinity Academy Sowerby Bridge

### Data Protection Policy



**Status** – Statutory

#### **Policy Statement**

The Academy will establish, implement and monitor a range of procedures to ensure all employees, elected members, contractors, agents, consultants, partners or other servants of the Academy who have access to any personal data held by or on behalf of the school fully comply with the requirements of the Data Protection Act 1998.

#### **1. Introduction**

Trinity Academy Sowerby Bridge is fully committed to complying with the Data Protection Act 1998.

#### **2. The Principles of Data Protection**

**Schedule 1 of the Data Protection Act 1998 sets out eight principles which are legally enforceable:**

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met. These conditions are that the data subject has consented to the processing, the processing is necessary for contractual, legal, statutory purposes or satisfies the definition of 'legitimate interests'.
2. Personal data 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. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes 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 this Act.
7. 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.
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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### 3. Definitions of Data

#### **Data is defined as:**

Information processed, or intended to be processed, wholly or partly by automatic means.

Information processed in a non-automated manner which forms part of, or is intended to form part of, a 'filing system'

Information that forms part of an 'accessible record' (that is, certain health records, educational records and certain local authority housing or social services records, regardless of whether the information is processed automatically or is held in a relevant filing system)

Information held by a public authority

#### **Personal Data is defined as:**

Data identifying and/or providing particular information about an individual.

Data which is used to inform or influence actions or decisions affecting an identifiable individual.

Data which impacts or has the potential to impact on an individual, whether in a personal, family, business or professional capacity.

#### **Sensitive Personal data is defined as:**

Data consisting of information regarding:

1. Racial or ethnic origin
2. Political opinions
3. Religious or other beliefs of a similar nature
4. Trade union membership
5. Physical or mental health
6. Sexual life
7. Criminal proceeding or convictions

### 4. Data Controller

The Data Controller is Trinity Academy Sowerby Bridge. The staff member responsible for ensuring compliance is the Finance and Operations Manager and has overall responsibility for:

1. Ensuring & monitoring compliance with this Policy and the Data Protection Act 1998.
2. The development of best practice.
3. The provision of training to staff and stakeholders as identified in the Introduction to this Policy.
4. Ensure the Data Protection registration with the Information Commissioners' Office (ICO) is maintained up to date and changes notified to the ICO within 28 days.

### 5. Handling of Data

Trinity Academy Sowerby Bridge will:

Process all data fairly and lawfully according to the Data Protection Act 1998 and the guidelines set out by the Information Commissioners' Office.

Ensure that data is stored securely and for the legally determined periods of time.

Publish a Privacy Notice/Fair Processing Notice using the template provided by Calderdale Council (see Appendix 1) including a statement regarding the use of CCTV.

Ensure that staff data access is monitored and managed with differing levels of access given to staff based on their job requirements.

Follow the guidance set out by the Information Commissioners' Office in the event of a security breach where data has been lost, stolen or otherwise disclosed.

Insist that formal request from a data subject for information held about them (Subject Access Request) must be made in writing (a fee may be payable) to the Finance and Operations Manager.

Ensure that the rights of all data subjects can be fully exercised.

Ensure that all staff with access to data are fully trained in good data management practice.

Ensure that all methods of handling data are regularly reviewed and evaluated.

Ensure that contractors, elected members and others not directly employed by the School with access to data are aware of this Policy and the procedures for handling data.

Ensure that all data is disposed of securely using Confidential Waste disposal methods where appropriate.

Ensure that data is **not** stored on any of the following types of equipment:  
Computers, laptops, external hard drives or memory sticks **not** owned by the School.  
Unencrypted portable devices.

Ensure that paper-based data is not removed from School without written authorisation of a member of the Senior Leadership Team and records kept of its removal and return.

## **6. Providing information over the phone**

All staff should ensure that no personal data/sensitive personal data held by the school is disclosed during a telephone call.

If a caller requests disclosure of this type of information he/she must ask the caller to put this request in writing.

If the situation is difficult the caller must be referred through to a member of the Senior Leadership Team.

The Senior Leadership Team should ensure that the caller's identity is verified before disclosing any personal/sensitive personal information. This can be done by calling the caller back using a contact number stored within SIMS. If the identity cannot be verified personal/sensitive personal data must not be disclosed.

## **7. Monitoring & Review**

The Director of Finance and Administration will undertake an annual risk assessment for Data Protection within the school.

This Policy is reviewed annually and following any legislative changes by the Finance and Operations Manager to ensure it continues to fulfil the legal requirements of data protection law.

## APPENDIX 1

### PRIVACY NOTICE TEMPLATE

for

***Pupils in Schools, Alternative Provision and Pupil Referral Units  
and Children in Early Years Settings***

**(This is suggested text which can be amended to suit local needs and circumstances)**

#### Privacy Notice - Data Protection Act 1998

We (**Name of school / academy / establishment**) are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

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

This information includes your contact details, national curriculum assessment results, attendance information<sup>1</sup> and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. *If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.*

#### **In addition for Secondary and Middle deemed Secondary Schools**

*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 both your and your parent's/s' name(s) and address, 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, address and your date of birth be passed to the support service. Please inform (Insert name of School Administrator) if you wish to opt-out of this arrangement. For more information about young peoples' services, please go to the Directgov Young People page at [www.direct.gov.uk/en/YoungPeople/index.htm](http://www.direct.gov.uk/en/YoungPeople/index.htm) or the LA website shown above.*

***We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.***

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE)

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<sup>1</sup> Attendance information is not collected as part of the Censuses for the Department for Education for the following pupils / children - those aged under 4 years in Maintained schools and those in Alternative Provision and Early Years Settings. This footnote can be removed where Local Authorities collect such attendance information for their own specific purposes.

**(For Academy use only)** 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(s) of the Local Authority.

If you want to see a copy of the information about you that we hold and/or share, please contact **(Insert name of School Administrator)**.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

- <http://www.calderdale.gov.uk/education/schools/childrens-records/index.html>
- <http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

Corporate Information Manager

Calderdale Council

Westgate House

Westgate

Halifax

HX1 1PS

Telephone: 01422 392298.

Website: <http://www.calderdale.gov.uk/council/accessinformation/data-protection/index.html>

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

<b>Date adopted by Governing Body</b>	July 2016
<b>Date for full implementation</b>	July 2016
<b>Date for review</b>	July 2018
<b>Lead Professional</b>	Finance & Operations Manager