

Viewley Hill Academy

Data Protection Policy (inc Privacy Notice)

Approved by the Governors of Viewley Hill Academy on: 20.1.14

Date	Amendment	Signed
11.2.15	Governor review - no changes	
16.3.16	FGB Review; Privacy Notice refreshed in line with DfE update 2015	

This document is a statement of the aims and principles of the Academy, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

Introduction

Viewley Hill Academy needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Viewley Hill Academy must comply with the Data Protection Principles which are set out in the Data Protection Act 1998. In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

Viewley Hill Academy and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the Academy has developed this Data Protection Policy.

Status of this Policy

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the Academy from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers

The Academy as a body incorporate the Data Controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

The Academy has three Designated Data Controllers: They are the Headteacher, the Academy Business Manager and the Academy Administrator

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller, who would be the Academy Administrator.

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the Academy in connection with their employment is accurate and up to date.

- Informing the Academy of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The Academy cannot be held responsible for any errors unless the staff member has informed the Academy of such changes.

Data Security

All staff are responsible for ensuring that:

Any personal data that they hold is kept securely.

Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

Be kept in a secure filing cabinet, drawer, or safe; or if it is computerised, be coded, encrypted or

password protected both on a local hard drive and on a network drive that is regularly backed up

If a copy is kept on other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Rights to Access Information

All staff, parents and other users are entitled to:

Know what information the Academy holds and processes about them or their child and why.

Know how to gain access to it.

Know how to keep it up to date.

Know what the Academy is doing to comply with its obligations under the 1998 Act.

To address the first point, the Academy will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the Academy holds and processes about them and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the *Subject Access Request* Form and submit it to the Designated Data Controller.

The Academy will make a charge of £10 on each occasion that access is requested, although the Academy does have discretion to waive this.

The Academy aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

Subject Consent

In many cases, the Academy can only process personal data with the consent of the individual.

In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained.

Agreement to the Academy processing some specified classes of personal data is a condition of acceptance of employment for staff. This included information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The Academy has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job.

The Academy has a duty of care to all staff and students and must therefore make sure that employees and those who use Academy facilities do not pose a threat or danger to other users.

The Academy may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The Academy will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the Academy is a safe place for everyone, or to operate other Academy policies, such as the Sick Pay Policy or the Equal Opportunities Policy. Because this information is considered sensitive under the 1998 Act, staff (and students where appropriate) will be asked to give their express consent for the Academy to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Publication of Academy Information

Certain items of information relating to Academy staff will be made available via searchable directories on the public Web site, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the Academy.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the Academy. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

Privacy Notices: Information about pupils in schools, alternative provision, pupil referral units and children in early years settings

Data Protection Act 1998: How we use your information

We process personal information relating to our pupils and may receive information about them from their previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service. We hold this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

Information about our pupils that we hold will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information.

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

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

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at <http://www.middlesbrough.gov.uk/index.aspx?articleid=5568>
- or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to receive a copy of the information about you that we hold, please contact:

- Mrs Frost at the school office