

Data Protection School Policy

Audience	Parents, Staff, Governors
Date of review	Bi-Annually
Named person responsible for monitoring	Head
Agreed by Quality Assurance Committee	19 June 2014
Agreed by Governing Body	8 July 2014

Hampstead School is committed to the United Nations Convention on the Rights of the child and particularly endorse Article 16: (Right to Privacy) – Every child has the right to privacy. The law should protect the child’s private, family and home life.

1. Introduction and Scope

- 1.1 The Data Protection Act 1998 is the law that protects personal privacy and applies to any school which processes or has access to people’s personal data. The Act helps ensure that the management of data held electronically and / or and in paper-based systems is processed correctly. Section 7 of the Act gives rights to the people about who the data relates.
- 1.2 Hampstead School has a legal responsibility to comply with the Data Protection Act and the school, as a corporate body, is named as the ‘Data Controller’ under the Act. Data controllers are people/organisations who hold and process personal data and have a duty to establish workplace practices and policies that are in line with the Act.

2. Personal data

- 2.1 Personal data is any information which relates to a living individual who can be identified from that data either by itself or alongside any other information we hold (for example, name, address, date of birth, National Insurance number, bank account details etc). It also includes any expression of opinion about that individual and any indication of any intentions we have in respect of that individual and it also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.
- 2.2 Personal data can also be 'sensitive' as defined by the Act. This is information about your racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health or condition, sexual life, criminal offences, proceedings and convictions. We can only collect and hold this information for specific purposes (for example equal opportunities monitoring).
- 2.3 We are obligated to notify the Information Commissioner, who regulates the Data Protection Act, that information about individuals is being collected, processed and held. We are also obligated to follow the eight principles set out in the Act. The principles state that all personal information, or data, about individuals should be:
 - i. **Processed fairly and lawfully**
Either consent is required or there is an overriding necessity to process data. However in any event, individuals should be made fully aware of why we are collecting their information, what we intend using it for, and who else we may be sharing it with.

- ii. Processed for limited purposes**
We will only process the information we've collected for the purposes we said we would when it was collected.
- iii. Adequate, relevant and not excessive**
We will only collect and process the information we need as opposed to any additional information that may be useful in the future for another purpose.
- iv. Accurate and up to date**
We will regularly review the information we hold to ensure that personal data is kept up to date.
- v. Kept no longer than is necessary**
Depending on the overriding need of any legislation, statutory or legal requirement, data will not be kept longer than is required for the purposes of processing.
- vi. Processed in line with the individual's rights**
The Data Protection Act creates rights for those individuals who have their data processed and responsibilities for our school who process and record that data.
- vii. Secure**
We must ensure that appropriate measures have been taken to ensure your information is safe, secure and cannot be accessed by anyone that isn't authorised to do so.
- viii. Not transferred to other countries that don't have suitable data protection controls.**
We will not send personal information outside of the European Economic Area unless the individual whom it is about has consented or adequate protection is in place.

3. Information disclosure

- 3.1 Personal information cannot usually be released to anyone else without your consent or knowledge. There are, however, certain circumstances when a third party (such as a government agency or law enforcement agency) can request information about you and we may be obliged to give it to them (for example where the disclosure is required by law or by a court order).
- 3.2 If you ask for information about a person other than yourself, your request will likely be refused unless the person you are asking about has given their written consent allowing us to disclose their personal information to you.

4. Requesting Personal Data

- 4.1 To request access to personal data that the school may hold about you, a Subject Access Form can be completed and posted to us.
- 4.2 The person who the personal data is about is known as the *data subject* and the person who is making the request is known as the *applicant*. These can of course be the same person depending on the personal data sought. A common example of this relationship would be when a parent (*applicant*) is seeking personal information about their child (*data subject*).

- 4.3 Whilst parents can generally request personal data about their child without their consent if the child concerned is under 12 years of age, the Data Protection Act requires a data controller to assess the competency of a data subject which is not restricted to age. Therefore in exceptional circumstances, consent may still be required. There may also be occasions where you are legally allowed to act on behalf of someone else (for example power of attorney).
- 4.4 A form can be requested from the Administration Office at the school or e-mail enquires@hampsteadschool.org.uk
- 4.5 To protect your personal information, we will also require copies of two forms of identification and these should be:
- one piece of photographic identification, such as a valid passport, valid driving licence or a valid EU national identity card.
 - one piece of identification confirming your address and dated within the last three months such as a utility bill, council tax statement or bank statement.
- 4.6 If you do not want to post your application, you may book an appointment with the Business Manager, who will accept your application and validate your identification. Whilst we may be able to confirm your identification in person we will always require proof of address to ensure that any data that we release is sent to the correct address.
- 4.7 Remember that if you are applying on someone else's behalf, you must also enclose either their signed, written consent, or proof that you are legally entitled to act on their behalf.
- 4.8 There is also a £10 processing fee. Cheques and postal orders should be made payable to Hampstead School. Please note that in some exceptional circumstances (for example the type and volume of manual files requested) there may be an additional fee required and we will advise you if this is the case.
- 4.9 Following receipt of your written request, identification and fee, you will receive a response within 40 days. However if we do not have enough information required to perform a search we will contact you and ask for more details (The 40 day period of response will begin from the day we receive sufficient information to enable a search).
- 4.10 The unlawful obtaining or disclosure of personal data without consent of the Data Controller is an offence under Section 55 of the Data Protection Act 1998.

5. Disclosing information

- 5.1 The information that you can expect to receive from us will usually be a copy in whatever format we hold it in.
- 5.2 Depending on what information has been requested we will explain any jargon or abbreviations, provide a summary sheet detailing what we have used the information for, and what information we have withheld and why (if applicable).
- 5.3 There are some instances where we may not be able to release some of the information we hold about you to you such as:

- personal information about other people (including family members), unless we receive their consent.
- examination marks ahead of national release or examiners comments.
- information provided by another person, such as a health visitor or the police, unless we receive their permission to do so.
- information contained in adoption and parental order records
- legal advice provided by a legal professional.
- information that would prejudice the prevention / detection of crime

5.4 In some exceptional circumstances we may also withhold information about you if we think that it might cause you serious harm or severe distress.

5.5 Occasionally your records may contain elements that it would not be appropriate for you to see (for example personal information about other individuals). Rather than withhold the whole record or document, we will redact or remove those sections, if we can, to make them anonymous

5.6 If you find incorrect information held about you then please write and tell us what is wrong and how you think it should be corrected. An assessment will be made and the information updated.

6. Education Records

6.1 An education record will primarily consist of information that comes from a teacher or other employee of a local authority or school, the pupil or their parents (such as details of achievement and attainment). However, it may also include information from the child and their parents (such as information about the health of the child or correspondence from an educational psychologist).

6.2 Information kept by a teacher solely for their own use does not form part of the official educational record.

6.3 A parent has rights to their child's educational record under the Education (Pupil Information) (England) Regulations 2005.

6.4 To access your child's school records, you should submit your request in writing to the Headteacher and we have a requirement to respond within 15 school days.

6.5 Whilst simply viewing an educational record is free of charge, if we receive a request from a parent who wants copy of their child's educational record then a fee, charged at our discretion, may be charged. This can range from £1.00 up to £50 for the reproduction of its paper work depending on how many copies are produced.

6.6 Additionally it may not be possible for a parent to simply view the record if personal data subject to the Data Protection Act 1998 is contained within. If this is the case, this information will be disclosed with regards to the principles and requirements of the Data Protection Act 1998 and in line with those timescales.

Signed: _____ **Date:** _____