



# Data Protection Policy

Approved by: Governing Body  
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## 1. Introduction:

### DATA PROTECTION ACT 1998

The college keeps a variety of information on record (either paper or ICT based records).

All personal information kept is subject to the Data Protection Act.

Personal information is that by which the person can be identified: address and telephone numbers are especially vulnerable to abuse but so are names and photographs if published in the wider environment of live press, internet or media.

**Legal** disclosure of information is the release of personal information from the records to someone who requires the information to do their job within or for the college, provided that the purpose of the use of that information has been registered.

**Illegal** disclosure of information is to someone who does not require it or falls outside the registered purpose of the college.

The following points should be observed:

1. Personal information must be the absolute minimum for the purpose in hand.
2. Normally only the following staff will be involved in the releasing of personal information:
  - Senior Managers
  - Heads of Year
  - Year Co-ordinators
  - Pastoral Managers
  - Career Co-ordinator
  - Office staff
  - First Aider
  - Child Protection Officer
3. It is normal practice not to disclose information immediately to any person requesting information (eg police, social workers) by phone. The normal practice is to ring the appropriate organisation back. If there is any doubt about the situation, staff should consult with the Headteacher or Information Manager
4. Printed personal information for use within the college must be returned for shredding when its use ends.
5. Display screens are also sources of disclosure: care should be taken to ensure confidentiality.

6. Staff authorised to release personal information, as above, should keep a disclosure log (an ordinary notebook) to record legitimate disclosures to people not under your line of command (eg school nurse, social workers).

Personal information is kept by the college to enable the college to provide the students with statutory educational provision and related services.

The college has a statutory obligation to complete an official notification document, which details what personal information the college holds and why it processes it and to whom it may be disclosed. The Fair Processing Notice is issued to students and their parents when they enter the college.

## 2. Personal Data of Students:

The Act specifies rules and conditions which all users ("Controllers") of personal information must obey when obtaining and using information about the student.

The Act also provides the student with certain rights, which the controllers must respect. (Please refer to host policy: *Data Protection – your rights as pupils and parents.*)

Under the Data Protection Act, the college's obligations to the students and parents are as follows:

### 2.1 Rights of the student:

The student can, regardless of age:

- Ask the college whether or not personal information is held;
- Ask what the college uses the information for;
- Be given a copy of the educational records the College holds;
- Be given details about the purposes for which the College uses the information and of other organisations or persons to whom the college may disclose it;
- Ask for incorrect data to be corrected;
- Ask us not to use personal information about the student for direct marketing; not to process information which is likely to cause damage or distress, and not to make decisions about the student based on the automatic processing of the data;
- Seek compensation for damage or distress should these be caused by the failure to comply with certain requirements of the act.

### 2.2 Exemptions

The student cannot:

- Have access to information which might cause harm to their physical or mental health or that of a third party;
- Have access to information which forms part of some court reports;
- Have access to information which would hinder the prevention and detection of crime or the prosecution or apprehension of offenders.

### 2.3 Specific rights of parents:

The Parent can:

- Ask for access to the student's official educational school records;
- Seek redress under the Data Protection Act **only** if acting on behalf of their child.

## 2.4 Consent of the parent:

The parent's consent is required only if the College is going to process data about the student for purposes other than those we are required to provide by law, or where we intend using data required for legal purposes. All application forms and requests for information explain why we require the information requested and whether or not we need parent's consent.

## 2.5 The College's Obligations to the Students under the Act

- When the parents/carers supply us with information, they will be told all the purposes for which it may be used and to whom it may have to be disclosed. The Fair Processing Notice issued outlines details.
- We will not disclose information to any third party without the parent's consent unless we are legally required to do so, or it is necessary in order to provide the services to which they are entitled, or which they have requested.
- We have a duty to protect public funds and to prevent or detect crime. It may be necessary from time to time to share certain information with other local authorities, Government Departments, and bodies with a similar duty, for this purpose.
- We will ensure that any third party to whom we disclose data uses it only for purposes that we have stipulated.
- We will not hold any information unless it is relevant to the purposes for which it is being processed.
- We will periodically review the information that we hold and delete information that is out of date and no longer needed.
- We will not transfer or disclose information, without consent, to any country outside of the European Economic Area that is not considered to provide an adequate level of protection.

## 2.6 Requests for Information:

The Head Teacher must be asked to see personal data held. If a student is unable to exercise their own rights under the Data Protection Act (for instance because they are too young), the parent/legal guardian can make subject access requests on the student's behalf.

The College will need to be provided with name, address and date of birth and in the instance of former students, dates of attendance and any other relevant information necessary to locate the data held.

Parents can also request copies of the educational records of their children by writing to the Head Teacher. This is an independent right of access to student records; therefore students themselves have no right to prevent their parents from obtaining a copy of their school records.

**Payment for information:** If a hard copy of the record is requested, a fee covering the cost of supplying the information may be charged. This is set by the college's governing body: please see the Freedom of Information Policy for charges. **We will respond to any request within 15 school days.**

## 2.8 Information Sent to Parents/Students:

All the information the College holds on both its computer and manual records, a description of the purposes for which we process data, a list of other organisations or individuals to whom it is disclosed and information about the sources of the data.

**Format of information sent:** A copy will be given to keep and check for accuracy. This will either be a computer printout or a photocopy of the student's manual records.

**Data:** The Headteacher must be informed if data is incorrect. If the College does not agree that the information is incorrect the applicant can ask it to record their disagreement on the records. They can also appeal to the Information Commissioner or the courts if the college does not correct the information.

**Insufficient information:** if the applicant feels that they have not been given all in the information requested, they can appeal to the College through its appeals procedure. Alternatively, they can appeal to the Information Commissioner. The Commissioner's staff will look into the matter on their behalf.

**The Data Protection Act requires the College to respond no later than 21 days after they have received any request. If they do not do so, or refuse to do as asked, an appeal can be made to the court.**

## 2.9 When has there been a breach?

There has been a breach if there has been:

- Loss or theft of data or equipment on which personal data is stored.
- Access to personal data by individuals who are not authorised to have access to such data.
- Equipment failure resulting in the loss, damage or unauthorised access to personal data.
- Personal data being disclosed to persons other than the subject of the data due to human error, i.e. staff sending data to persons who are not entitled to have such data.
- Unforeseen circumstances such as fire or flood resulting in the loss, damage or unauthorised access to personal data.
- Personal data being accessed through hacking of computer systems.
- 'Blagging' offences where personal information is obtained by deceiving the organisation who holds it.
- Personal data being deliberately accessed by staff who are not entitled to access to it.

Any breach to the policy must be reported immediately to the Headteacher or Information Manager who will take the necessary course of action, and log all details on the central incident log.