# PROMOTING POSITIVE OPPORTUNITIES FOR ALL

***BRIGHSTONE C.E.***

## PRIMARY SCHOOL

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#### DATA PROTECTION POLICY 2009 – Taken to the Full Governing Body of Brighstone C.E. (Aided) Primary School on 10th February, 2015

**Date Agreed: February 2015**

**Review Date: February 2017**

**Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Chairman Board of Governors**

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| Revision No. | Date Issued | Prepared By | Approved | Comments |
| 1 | 17th May, 2014 | AJ | TGB | New Policy |
| 2 | February, 2015 | KH | FGB | Minor revisions to reflect practices |

The school collects and uses personal information (referred to in the Data Protection Act as personal data) about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable the provision of education and other associated functions. In addition, the school may be required by law to collect, use and share certain information.

The school is registered as a Data Controller, with the Information Commissioner’s Office (ICO). Details are available on the ICO website.

The school issues a Privacy Notice to all pupils/parents on the Welcome DVD, this summarises the information held on pupils, why it is held and the other organisations to whom it may be passed on to.

**Purpose**

This policy sets out how the school deals with personal information correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation.

This policy applies to all personal information however it is collected, used, recorded and stored and whether it is held on paper or electronically.

All school staff and governors involved with the collection, use, processing or disclosure of personal data will be aware of their duties and responsibilities and will adhere to this policy.

What is Personal Information/data?

Personal information or data is information which relates to a living individual who can be identified from that data, or from that data in addition to other information available to them. Personal data includes (but is not limited to) an individual’s, name, address, date of birth, photograph, bank details and other information that identifies them.

Data Protection Principles

The Data Protection Act 1998 establishes eight 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;

1. Personal data shall be adequate, relevant and not excessive;
2. Personal data shall be accurate and where necessary, kept up to date;
3. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
4. Personal data shall be processed in accordance with the rights of data

subjects under the Data Protection Act 1998;

1. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
2. Personal data shall not be transferred to a country or territory outside the
3. European Economic Area, unless that country or territory ensures an adequate level of data protection.

**Commitment**

The school is committed to maintaining the above principles at all times. Therefore the school will:

* Inform individuals why personal information is being collected.
* Inform individuals when their information is shared, and why and with whom unless the Data Protection Act provides a reason not to do this.
* Check the accuracy of the information it holds and review it at regular intervals.
* Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
* Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
* Ensure that personal information is not retained longer than it is needed.
* Ensure that when information is destroyed that it is done so appropriately and securely.
* Share personal information with others only when it is legally appropriate to do so.
* Comply with the duty to respond to requests for access to personal information, known as Subject Access Requests.
* Ensure that personal information is not transferred outside the EEA without the appropriate safeguards
* Ensure all staff and governors are aware of and understand these policies and procedures.

**Complaints**

Complaints will be dealt with in accordance with the school’s complaints policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at [www.ico.gov.uk](http://www.ico.gov.uk)

**Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Head Teacher, and taken to the Governing Body.

Contacts

If you have any enquires in relation to this policy, please contact the Head Teacher, who will also act as the contact point for any subject access requests.

**Appendix 1 – PRIVACY NOTICE**

**PRIVACY NOTICE**

**For**

**BRIGHSTONE C.E. (AIDED) PRIMARY SCHOOL**

**Privacy Notice – Data Protection Act 1998**

We, Brighstone CE Aided Primary School, are the data controller for the purposes of the Data Protection Act. We collect information from you about your child(ren) and may receive information about them from their previous school and Hampshire County Council. We hold this personal data and use it to:

* Support your child(ren)’s teaching and learning;
* Monitor and report on their progress;
* Provide appropriate pastoral care; and
* Assess how well their school is doing.

This information includes contact details, national curriculum assessment results, attendance information and personal characteristics such as their ethnic group, any special educational needs and relevant medical information.

We will not give information about your child(ren) to anyone outside the school without your consent unless the law and our rules allow us to. We follow the Hampshire Children’s Trust policy on Information Sharing & Confidentiality which can be viewed at <http://www3.hants.gov.uk/information_sharing_policy_2009_-_trust_version.pdf>

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

We also have local arrangements in place where the school exchanges information with the school nurse, Children’s Services, the Locality Team, FOPS etc.

If you want to see a copy of the information about your child(ren) that we hold and/or share, please contact the 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:

Any person that wishes to make a complaint about a breach of the Act should do so by writing to the Data Protection Officer (DPO), Isle of Wight Council, County Hall, Newport, Isle of Wight PO30 1UD. An independent person will be appointed by the DPO to undertake the investigation.

**10 Compliance - Related Legislation**

The Freedom of Information Act 2000

Access to Health Records Act 1990

The Children's Act 1989

The Disability Discrimination Act 2005

The Human Rights Act 1998

The Common law duty of confidence

The Environmental Information Regulations 2004

The Copyright, Patents and Design Act 1988

The Computer Misuse Act 1990

The Defamation Act 1996

The Electronic Communications Act 2000

The Regulation of Investigatory Powers Act 2000

The Re-Use of Public Sector Information Regulations 2005

The Civil Contingencies Act 2004

Any other relevant legislation

**11 Definitions**

**Data -** Any information automatically processed or going to be automatically processed. This includes information contained within structured and unstructured manual files.

**Personal Data -** Information relating to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or likely to come into possession of, the data controller.

**Sensitive Personal Data –** Personal information relating to an individual’s race/ethnic origin, their political opinions, religious beliefs, trade union membership, physical or mental health or condition, sexual life, criminal or alleged offences or any proceedings.

**Data Controller –** The Isle of Wight Council is a Data Controller, being a body who decides the manner in which, and purposes for which, personal data are, or are to be, processed.

Individual elected members are also Data Controller’s with respect to the personal information they manage in respect of their duties to their constituents.

**Data Subject -** An individual who is the subject of the personal data.

**Data Processor -** A person other than an employee of the Council, who processes personal information on behalf of the Council under instruction.

**Processing -** Any activity/operation performed on personal data - whether held electronically or manually, such as obtaining, recording, holding, disseminating or making available the data, or carrying out any operation on the data. This includes, organising, adapting, amending and processing the data, retrieval, consultation, disclosure, blocking, erasure or destruction of the data.

**Information Commissioner -** an independent Officer appointed by Her Majesty the Queen and who reports directly to Parliament.