



## **Aldridge Education Data Protection Policy**

<b>Policy Title:</b>	Aldridge Education Data Protection Policy
<b>Version:</b>	August 2016
<b>Trust Board Approval:</b>	31 August 2016
<b>Date of Next Review:</b>	August 2018

# Aldridge Education Data Protection Policy

## 1. Background

Aldridge Education and its academies collect and use personal information about staff, students, parents and other individuals in order to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the Trust and its academies comply with statutory obligations.

The named people with overall responsibility for personal data within Aldridge Education are the Trust CEO and Head of Governance and Policy. The Principal and Academy Business & Finance Manager of each Academy are responsible for Academy operation of this policy.

All schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all students and parents; this summarises the information held on students, why it is held and the other parties with whom it may be shared.

## 2. Aims & Objectives

The aim of this policy is to provide a model set of guidelines to enable Aldridge Education staff, parents and students to understand:

- The law regarding personal data
- How staff, parents and students can access personal data

The objective of the policy is to ensure that Aldridge Education and its academies act within the requirements of the Data Protection Act 1998 and other related legislation when retaining and storing personal data, and when making it available to individuals, and that the process of responding to enquiries for other information is also legal under the Freedom of Information Act 2000 (in force from 1<sup>st</sup> January 2005).

## 3. What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

## 4. Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be adequate, relevant and not excessive
- Personal data shall be accurate and where necessary, kept up to date
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes

- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Personal data shall be kept secure i.e. protected by an appropriate degree of security
- 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 data protection.

## 5. Policy Statement

Aldridge Education and its academies are committed to maintaining the above principles at all times. Therefore we will:

- Inform individuals why information is being collected when it is collected.
- Inform individuals when their information is shared, and why and with whom it was shared.
- Check the quality and the accuracy of the information it holds.
- Ensure that information is not retained for longer than is necessary.
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely.
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Share information with others only when it is legally appropriate to do so.
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure our staff are aware of and understand our policies and procedures.

## 6. Complaints

Complaints will be dealt with in accordance with Aldridge Education Complaints Procedure. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

## 7. Contacts

If you have any enquires in relation to this Policy, please contact Liz Dawson, Head of Governance and Policy, who will also act as the contact point for any subject access requests. [liz.dawson@aldridgeeducation.org](mailto:liz.dawson@aldridgeeducation.org)

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113.

### **Procedures for responding to subject access requests made under the Data Protection Act 1998**

#### **Rights of access to information**

There are two distinct rights of access to information held by schools about students.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

#### **Actioning a subject access request**

1. Requests for information must be made in writing to the academy (which includes email) to Liz Dawson, Head of Governance and Policy.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Principal should discuss the request with the student and take their views into account when making a decision. A student competent to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.
4. Aldridge Education or an academy may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain the educational record then the amount charged will be depend upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
  - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Principal.

5. The response time for subject access requests, once officially received, is forty days (not working or school days but calendar days, irrespective of school holiday periods). However the forty days will not commence until after receipt of fees or clarification of information sought.
6. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
7. Third party information is that which has been provided by another, such as the Police, Local Authority, health care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the forty day statutory timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the academy with a member of staff on hand to help and explain matters if requested, or provided at face-to-face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

## **Complaints**

Complaints about the above procedures should be made to the Chair of the Trust or Chair of the relevant local governing committee who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Trust's Complaints Procedure.

Complaints which are not appropriate to be dealt with through the Trust's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

## **Contacts**

If you have any queries or concerns regarding this Policy advice can be sought from Liz Dawson, Head of Governance and Policy [liz.dawson@aldridgeeducation.org](mailto:liz.dawson@aldridgeeducation.org)

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk).