

STRATTON EDUCATION TRUST

Data Protection Policy



Rationale

The governing body recognises its responsibility to ensure that the Trust meets the requirements of the Data Protection Act 1998. The Trust is required to process relevant personal data regarding staff, students, and their parents or carers. We shall take all reasonable steps to do so in accordance with this policy. Processing may include obtaining, recording, and holding, disclosing, destroying or otherwise using data. Reference to students in this policy includes current, past or prospective students.

Policy

The governing body has appointed the Executive Headteacher as the Data Protection Controller/Officer who will seek to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998. Data protection procedures will be followed by all staff members.

Guidelines

1 Registers and Records

The Trust has registered with the Data Protection Registrar under the Data Protection Act 1998.

2 The Principles

The Trust shall so far as is reasonably practicable, comply with the Data Protection Principles contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed
- Processed for specified, lawful purposes
- Adequate, relevant and not excessive
- Accurate and kept up to date
- Not kept for longer than is necessary
- Processed in accordance with the individual's legal data rights
- Securely protected against unauthorised processing, accidental loss, destruction or damage
- Not transferred to other countries (especially outside the EU) without adequate Protection.

3 Personal Data

Definitions of personal data are complex, and it is difficult to define categorically. However, broadly speaking and in day to day use, "personal data" is information which relates to a living, identifiable individual.

In the context of this document and the Trusts requirement to process "personal data" as part of its duty of care and to educate its students, "personal data" may include:

- Trust admission and attendance registers
- Student's curricular records
- Reports to parents or carers on the achievements of their children
- Records in connection with students entered for prescribed public examinations
- Staff records, including payroll records
- Student disciplinary records
- Personal information for teaching purposes
- Records of contractors and suppliers

4 Processing Personal Data

If it is necessary for the Trust to process certain personal data to fulfil its obligations to students and their parents or carers then consent is not required. However, any information which falls under the definition of personal data, and is not otherwise exempt will remain confidential. Data will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

5 Sensitive Personal Data

"Sensitive Data" may include:

- Ethnic or racial origin
- Political opinions
- Religious beliefs
- Other beliefs of a similar nature
- Membership of a trade union

Physical or mental health condition

- Sexual life
- Offence or alleged offence
- Proceedings or court sentence

Where sensitive personal data is processed by the Trust, the explicit consent of the appropriate individual will be required in writing.

6 Rights of Access

Individuals have a right of access to information held by the Trust. Any individual wishing to access their personal data should put their request in writing addressed to the Executive Headteacher. On receipt of a request it is our policy to provide copies of appropriate and relevant data within 20 working days excluding Trust holidays. Where the Trust has asked the enquirer for more information, the 20 days starts when the further information has been received.

The Trust will not charge for straightforward enquiries. Where there are significant costs in photocopying information the Trust will charge using the current reprographics „scale of charges". The enquirer will be informed in writing of any charges and must pay the fee before the information is provided. It is important to note that certain data is exempt from the right of access under the Data Protection Act. This can include:

- Information which identifies other individuals
- Information which the Trust reasonably believes is likely to cause damage or distress
- Information which is subject to legal professional privilege

The Trust will also treat as confidential any reference given by the Trust for the purpose of the education, training or employment, or prospective education, training or employment of any student. The Trust acknowledges that an individual may have the right to access a reference relating to them received by the Trust. However, such a reference will only be disclosed if doing so does not identify the referee or where the referee has given their consent or if disclosure is considered reasonable.

7 Data Rights

Under the Data Protection Act, the rights to the data belong to the individual to whom the data relates. However, in most cases, the Trust will rely on parental consent to process data relating to students unless, given the circumstances and the student's age and understanding; it is unreasonable to rely on the parent's consent.

Parents and carers should be aware that in such situations they may not be consulted. These situations are very rare, and it is a general policy of the Trust to always seek parental consent before processing a child's personal data.

The Trust is legally required to give a student access to their personal data if in the Trust's reasonable belief the student understands the nature of the request and its implications. However, it should be noted that in accordance with Section 30 of the Exemptions to the Data Protection Act 1998, if the Trust does not consider it appropriate for a student to see a particular document which a student has asked to see and even obtained a parental request for access to that data, the Trust can withhold access.

Where a student seeks to raise private concerns confidentially with a member of staff and makes it clear they do not want the data passed on to their parents or carer, the Trust will maintain confidentiality unless it has reasonable grounds to believe that the student does not fully understand the consequences of withholding their consent, or where the Trust believes the disclosure will be in the very best interests of the student or other students.

8 Exemptions

Certain data is exempted from the provisions of the Data Protection Act:

The prevention or detection of crime

The assessment of any tax or duty

Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the Trust.

9 Disclosure of Information

The Trust confirms that it will not generally disclose information about individuals, unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However, for the following purposes, the Trust does intend to disclose data as is necessary to third parties:

To give confidential references for any educational institution which the student may wish to attend

- To publish the results of public examinations or other achievements of students of the Trust
- To disclose medical details of a student's medical condition whether it is in the student's interests to do so (eg to organisers of a Trust trip)

When the Trust receives a disclosure request from a third party it will always take action to establish the identity of that third party before making any disclosure.

10 Use of Personal Information by the Trust

As part of the entry procedure into the Trust at any age, all parents or carers are asked to sign an agreement advising the Trust if they do not wish their child to participate in use of photographic images in Trust publications or on the Trust website.

11 Accuracy

In accordance with the Data Protection Act 1998 it is Trust policy to ensure that any personal data held about an individual is accurate. The Trust will seek to encourage all students and staff to notify the Data Protection Officer of any changes to information held about them (change of address, change of marital status etc). The Trust recognises the individual right to request that inaccurate information about them is erased or corrected.

12 Security

Where it is reasonably practicable, the Trust will take steps to ensure that members of staff will only have access to personal data relating to students, their parents or carers when it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The Trust will ensure that all personal information is held in a secure central location and is not accessible to unauthorised persons.

13 Enforcement

If an individual believes that the Trust has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should make a complaint to the Trust and notify the Executive Headteacher as Data Protection Controller/Officer.

Monitoring, Evaluation and Review

This policy will be monitored, evaluated and reviewed every three years by the senior leadership team.

Dissemination of the Policy

This policy is available on the Trust website, on request to parents and carers, the LA and Ofsted through the Executive Headteacher.

Other policies that have relevance are:

Freedom of Information Policy

Approval Process

Date of approval:

Governors committee & date when policy first considered:

Review date: