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Headteacher: Mr R Baker

# Data Protection Policy

Policy updated May 2017

Ratified by Governors on 28<sup>th</sup> June 2017

Mr G. Beaumont



**SIDDAL  
MOOR**

Where students *fly high* through the  
expectation of *excellence* in *everything* we do

## **Purpose**

**Siddal Moor** collects and uses personal information about staff, pupils, parents and certain other individuals who come into contact with the school. This information is gathered primarily in order to enable it to carry out its primary function of providing education to its students, operate its buildings and facilities, manage its staff, and carry out other related functions and to meet its statutory obligations.

This policy is intended as a statement of the school's intent to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998 and other related legislation. It applies to all information covered by the Act, regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

The school is registered with the Information Commissioner's Office and the registration number is Z537145X. The terms of this registration are reviewed and renewed annually in May. The Headteacher of the school is the de-facto Senior Information Risk Officer but the management of records, the technical implementation of safeguards and the processing of data is delegated to other staff in the school as appropriate.

## **Principles**

The school recognises the eight principles of Data Protection established in the 1998 Act, which require that personal data:

- is processed fairly and lawfully
- is obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes
- is accurate and kept up to date
- is adequate, relevant and not excessive in relation to the purpose for which it is required
- is not kept longer than is necessary, provided legal requirements are met
- is processed in accordance with the rights of data subjects
- is protected by appropriate technical and organisational measures against loss, damage, destruction and unlawful or unauthorised processing
- is not transferred outside the European Economic Area without an adequate level of protection being in place.

## **Practice**

In order to ensure that the school abides by the above principles we will:

- Inform individuals why the information is being collected when it is collected – *This is done for students and parents in our admission documentation issued when pupils enrol at the school and in the documentation provided for new staff as part of their induction.*
- Inform individuals when their information is shared, and why and with whom it was shared – *This information is in the school Fair Processing Notice which is issued to all Parents when their child enrolls at the school. Additional Fair processing notices are issued when this is appropriate, (for example when sharing some types of assessment data with examination boards).*

- Check the quality and the accuracy of the information we hold – *We regularly issue (at least annually) forms for parents to update contact information.*
- Ensure that information is not retained for longer than is necessary –*We follow the data retention guidelines issued by the Records Management Society in their Record Management Toolkit for Schools.*
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely – *We follow the destruction guidelines issued by the Records Management Society. We have systems in place for the physical destruction of IT systems that may have contained personal data which are outlined in our Disposal of IT equipment policy. Paper records are shredded on site and we make use of the services of a confidential waste disposal company for bulk disposal of less sensitive documents.*
- 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 – *We have a Computer Access and Security policy which details the technical procedures we put in place to secure our systems. Paper records are kept in secure offices or storerooms and are accessible by a limited number of staff.*
- Share information with others only when it is legally appropriate to do so – *We do not send data to organisations outside Europe or store personal data on systems sited outside Europe. We do not share data with other organisations with which we do not have a statutory requirement to do so unless we have assessed the risk of doing so and obtained information from them about how they meet their obligations under the Act.*
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests. –*The procedure for responding to Subject Access requests is part of this policy (See below).*
- Ensure our staff are aware of and understand our policies and procedures. - *All our staff are required to abide by an Acceptable Use Policy and are issued with a set of best practice guidelines which outlines their obligations under the Act.*

## **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 Headteacher, or nominated representative.

## **Subject Access Requests**

Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them. This section outlines the schools' procedures for responding to subject access requests made under the provisions of the Act.

Requests for information must be made in writing; and be addressed to the Headteacher at the school. If the initial request does not clearly identify the information required, the school may require clarification of what is required before the request is actioned.

The identity of the requestor must be established before the disclosure of any information, and checks will be carried out regarding proof of relationship to a child if the request relates to a child's data. We may therefore require production of identity documents such as:

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

*This list is not exhaustive.*

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 Headteacher or a nominated senior leader will discuss a relevant request with the child and take their views into account when making a decision. A child with competency 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 will be asked to make the decision on behalf of the child.

The school reserves the right to make a charge for the provision of information, depending upon the following:

- Should the information requested be personal information that does not include any information contained within educational records we may levy a charge of £10 to provide it to cover our administration costs.
- Should the information requested contain the complete educational record and include items such as annual reports to parents and other long documents then the amount charged may be increased to cover printing costs.

Information which has been provided by another organisation such as the Police, Local Authority, Health Care professional or another school may form part of our records. Before disclosing third party provided information as part of an access request we may need to obtain further consent from the providing organisation.

The response time for subject access requests, once officially received, will therefore be 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees if requested, or clarification of information sought by the applicant.

The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure** and some information may be redacted. In particular, any information which may cause serious harm to the physical or mental health or emotional condition of a data subject will not be disclosed, nor will information that would reveal that a subject is at risk of abuse, or information relating to court or legal proceedings. If there are concerns over the disclosure of information then additional legal advice may be sought by the school before the request is actioned.

Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.

Information disclosed should be clear, thus any codes or technical terms will be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then we may re-type or re-format it to improve legibility.

Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at a face to face handover. The views of the applicant will be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail which requires a signature on receipt will be used.

### **Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school'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 these policies / procedures then please contact the Headteacher at the school.

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