

Coleham Primary School



Data Protection Policy

Policy Date: September 2016
Review Date: September 2018

Data Protection Policy

1. Introduction

The Data Protection Act 1998 (DPA) aims to promote high standards in the handling of personal information protecting individuals rights to privacy. The DPA applies to anyone holding information about living individuals.

2. Statement of intent

Coleham Primary School is required to keep and process relevant personal data regarding staff, pupils, their parents and guardians and other individuals.

All staff involved with the processing of personal data are aware of their duties and responsibilities within these guidelines. Processing may include obtaining, recording, holding, disclosing, destroying or using data. Reference to pupils in this policy includes current, past or prospective pupils.

This policy will outline how Coleham Primary School will comply with its legal obligations under the Data Protection Act:

3. Aims & Objectives

The school shall so far as is reasonably practical comply with the eight Data Protection Principles to ensure all data is:

- Processed fairly and lawfully.
- Processed for one or more specified and lawful purposes.
- Adequate, relevant and not excessive.
- Kept accurate and up-to-date.
- Not kept for longer than necessary.
- Processed in accordance with the data subject's rights.
- Securely protected against unauthorised processing, accidental loss, destruction or damage.
- Not transferred to countries outside the European Economic without adequate protection.

3. Responsibilities-Management

Coleham Primary School, as the corporate body, is the Data Controller.

The Governing Body has ultimate responsibility for ensuring that the school complies with the legislative requirements relating to Data Protection. In practice, responsibility for ensuring the requirements of the Data Protection Act 1998 are complied with fully, rests with the Headteacher.



The School Business Manager is the key person with specific responsibility for Data Protection within the school. This person is required to undergo training as necessary, to make sure that the procedures in this policy are followed, and to provide detailed guidance where required. The School Business Manager will seek to ensure that all personal data is processed in compliance with the Principles of the Data Protection act 1998.

4. Responsibilities-All School Staff

Everyone in school has a responsibility to ensure that they abide by the principles listed above in handling personal data and making sure that information is securely and appropriately managed. If you are unsure about the action you are taking with regard to personal data you should check with the School Business Manager or Headteacher to ensure you are complying with the DPA.

Coleham Primary School takes its duties under the Data Protection Act seriously and any member of staff found to mishandle data or share personal data with unauthorised individuals will be subject to investigation under the School's Disciplinary Policy. Deliberate, malicious or reckless breaking of the DPA will be counted as gross misconduct and could result in dismissal. Under this Act you can also be criminally liable if you knowingly or recklessly disclose personal

Some of the questions staff can ask themselves to ensure that the action will comply with the DPA are:

- Do I really need this information about an individual? Do I know what I am going to use it for?
- Do the people whose information I hold know that I've got it and are they likely to understand what it will be used for? Would any of them be surprised at what I'm doing with their personal information?
- If I'm asked to pass personal information on am I sure it's okay to do so under the DPA? (Personal data should only be shared with other members of staff or authorities who are entitled to have access to this data)
- Is the personal information I hold secure, be it on the computer or paper based?
- Is the personal data held accurate and up to date?
- Do I delete/destroy personal information (securely) in accordance with retention guidance?
- Is access to personal information limited only to those with a strict need to know? Who will have access to this information if I place it on a computer file or hold on a paper record?

5. Responsibilities-Individuals

The school will seek to encourage all staff and parents to notify them of any changes to information held about them. Staff members and parents are responsible for checking that any information that they provide to the school in connection with their employment or in regard to a registered pupil is accurate and up-to-date.

Coleham Primary School cannot be held accountable for any errors unless the employee or parent has informed the school about such changes. The school recognises the individual right to request that inaccurate information about them is erased or corrected.

6. Data Security

Where it is reasonably practical, the school will take steps to ensure that members of staff will only have access to personal data where it is necessary for them to do so. Staff will ensure that personal and sensitive data is secured in accordance with the provisions of the Data Protection Act and the School's Information & ICT Security Policy.

7. Subject Consent- Personal Data

Personal data is any combination of data items that identifies an individual and gives specific information about them, their families or their circumstances. This includes names, contact details, gender, dates of birth, behaviour and assessment records.

Coleham Primary School understands that subjects have certain legal rights to their personal data, which will be respected.

Personal Data will only be processed if it is necessary for:

- The performance of a contract to which the subject is party or in the taking of steps with a view to entering a contract.
- Compliance with a legal obligation to which the school is subject.
- The administration of justice, legal purposes, or functions of a public nature exercised in the public interest.
- The purposes of legitimate interests of the school (i.e. the provision of education), unless the decision prejudices the rights, freedoms or legitimate interests of the subject.

8. Subject Consent-Sensitive Data

Sensitive data can only be processed with the explicit consent of the subject, including information relating to a subject's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, sexual life, offence or alleged offence and proceedings or court sentence.

Coleham Primary School understands that subjects have certain legal rights to their sensitive data, which will be respected.

Sensitive data will only be processed if:

- It is necessary to protect the subject's vital interests.
- It is carried out in the course of legitimate activities by a not for profit body or association with appropriate safeguards.
- It is necessary for the administration of justice or other legal purposes.
- It has been ordered by the Secretary of State.

- It is necessary to prevent fraud.
- It is necessary for medical purposes.
- It is necessary for equality reasons.
- It was made public deliberately by the data subject.

9. Rights to access information

Individuals have a right under the DPA to ask for a copy of the information held about them by the school.

Requests for access to personal information should be referred to the Headteacher.

Coleham Primary School aims to comply with requests for access to personal data as quickly as possible, but will ensure that it meets its duty under the Data Protection Act to provide it within 40 working days. The school may make a small charge to cover photocopying, secure postage etc at the discretion of the Headteacher.

However, the school is not obliged to provide unstructured personal data if the administrative cost is deemed to exceed the limit of £450 as contained in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations.

10. Monitoring

This policy will be reviewed bi-annually and/or when any legislation should change.

The School will only monitor individual staff when there are concerns about the individual's use of e-mail, internet, telephone or other data that the member of staff may be using inappropriately. If monitoring is used for training purposes the individual will be made aware of this at the time.

11. Data Retention

The Data Protection Act 1998 states that data should not be kept for longer than is necessary.

The school will refer to the Retention Guidance and data when no longer relevant will be deleted or destroyed as soon as is reasonably practical.

11. Challenges and compensation

Coleham Primary School understands that staff members and the parents of registered pupils have the right to prevent the processing of personal data if it is likely to cause damage or distress.

Concerns related to the processing of personal data should be raised with the Headteacher.

Data subjects reserve the right to take their concerns to a court of law and will be entitled to compensation if it is judged that the school contravened the provisions of the Data Protection Act.

Individuals who are not the subject of the data, but suffer damage as a result of the contravention, are also entitled to compensation.

The school will immediately rectify, block, erase or destroy any data that a court of law judges to have contravened the requirements of the Data Protection Act.

