

# **HARTFORD CE HIGH SCHOOL**

## **DATA PROTECTION POLICY**

**And**

## **PRIVACY NOTICE**



**Dated: 14<sup>th</sup> May 2018**

**Approved by: Governors' Finance & Resources Committee**

**To be reviewed: May 2020**

Mrs Sara Morris

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### 1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998

This policy applies to all data, regardless of whether it is in paper or electronic format.

### 2. Legislation and Guidance

This policy meets the requirements of the General Data Protection Regulation (GDPR) 2018 and is based on guidance published by the Information Commissioner's Office.

In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

This policy will also comply with funding agreements and articles of association if the school becomes an Academy.

### 3. Definitions

Term	Definition
Personal Data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive Personal Data	Data such as: <ul style="list-style-type: none"><li>• Contact Details</li><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious beliefs, or beliefs of a similar nature</li><li>• Where a person is a member of a trade union</li><li>• Physical and mental health</li><li>• Sexual orientation</li><li>• Whether a person has committed, or is alleged to have committed, an offence</li><li>• Criminal convictions</li></ul>
Processing	Obtaining, recording or holding data
Data Subject	The person whose personal data is held or processed
Data Controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data Processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

#### 4. The Data Controller

Our school processes personal information relating to pupils, parents, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Data Protection Officer: Miss Lydia Naylor (Deputy Headteacher).

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

**Registration Number: Z9717260**

**Date Registered:** 10<sup>th</sup> January 2007

**Registration Expiry Date:** 9<sup>th</sup> January 2019

**Data Controller:** Hartford CE High School

**Data Protection Officer:** Miss Lydia Naylor (Deputy Headteacher) [lnaylor@hartfordhigh.co.uk](mailto:lnaylor@hartfordhigh.co.uk)

**Address:** Hartford CE High School  
Hartford Campus  
Chester Road  
Northwich  
Cheshire  
CW8 1LH

#### 5. Data Protection Principles

The GDPR is based on the following data protection principles, or rules for good data handling:

1. processed lawfully, fairly and in a transparent manner in relation to individuals;
2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

You must have a valid lawful basis in order to process personal data. There are six available lawful bases for processing. No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on your purpose and relationship with the individual. The six lawful bases are:

**(a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

**(b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

**(c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

**(d) Vital interests:** the processing is necessary to protect someone's life.

**(e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

**(f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

## **6. Roles and Responsibilities**

The governing body has overall responsibility for ensuring that the school complies with its obligations under GDPR May 2018.

Day to day responsibilities rest with the Headteacher or the Data Protection Officer, Lydia Naylor in the Headteacher's absence. The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## **7. Privacy/Fair Processing Notice**

See Appendix 1 for the Pupil/Parent Privacy Notice

See Appendix 2 for the workforce (staff) Privacy Notice

## **8. Subject Access Request (SAR)**

Under the GDPR May 2018, pupils/staff have a right to request access to information the school holds about them. This is known as a subject access request (SAR).

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

- The full name of the pupil/staff member
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will not reveal the following information in response to subject access request:

- Information that might cause serious harm to the physical or mental health of the individual or another individual
- Information that would reveal that the individual is at risk of abuse, where disclosure of that information would not be in the individual's best interest
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the individual

Subject access requests for all or part of the pupil/staff member's record will be provided within 30 calendar days from confirmation of the individual's ID and up to two months if requests are excessive. No charge can be made but requests can be denied if the SAR is thought to be excessive.

Persons requesting a SAR will require photographic ID along with proof of address. Requests will be dealt with in accordance with the ICO guidance.

## **9. Storage of Records**

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use.
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access.
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals.
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment.

## **10. Disposal of Records**

Person information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records and paper-based records.

Retention of records range depending on the data stored, most pupil data retention is DOB +25 years. The longest retention period of pupils is for school trips which is date of trip +10 years.

Other data retentions relate to health and safety regarding Controlled Substances retention for current year +40 years and where a person has come in to contact with Radiation which is incident date +50 years.

## **11. Training**

Our staff and governors are provided with relevant data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

## **12. Monitoring Arrangements**

This policy is reviewed every 2 years by the Data Protection Officer and will be approved by the Governing body's Finance and Resources Committee.

## **13. Links with other policies**

This data protection policy and privacy notice is linked to the freedom of information publication scheme.

Other school policies that this policy relates to:

- Code of Conduct policy
- Safeguarding Policy
- E-Safety Policy

- ICT Acceptable Use Protocol Staff and Students
- Capability Policy
- Disciplinary Policy
- Standards of Conduct for Schools
- Relationships Policy

## Appendix 1

### PRIVACY NOTICE

#### ***School Workforce: those employed or otherwise engaged to work at a school or the Local Authority***

#### **Privacy Notice – General Data Protection Regulation May 2018: How we use your information**

We, Hartford Church of England High School, process personal data relating to those we employ to work at, or otherwise engage to work at, our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid.

The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- relevant medical information where applicable

***We will not share information about you with third parties without your consent unless the law allows us to.***

We are required, by law, to pass on some of this personal data to:

- our local authority
- the Department for Education (DfE)

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

- <http://www.cheshirewestandchester.gov.uk/default.aspx?page=5340> and
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you are unable to access these websites, please contact the LA or DfE as follows



Ministerial and Public Communications Division <b>Department for Education</b> Piccadilly Gate Store Street Manchester M1 2WD		The Data Protection Officer <b>Cheshire West and Chester Council</b> HQ 58 Nicholas Street Chester Cheshire CH1 2NP	
Website	<a href="https://www.gov.uk/government/organisations/department-for-education">https://www.gov.uk/government/organisations/department-for-education</a>	Website	<a href="http://www.cheshirewestandchester.gov.uk/">http://www.cheshirewestandchester.gov.uk/</a>
Contact	<a href="https://www.education.gov.uk/help/contactus/dfe">https://www.education.gov.uk/help/contactus/dfe</a>	Contact	<a href="mailto:FOIWest@cheshirewestandchester.gov.uk">FOIWest@cheshirewestandchester.gov.uk</a>
Tel	0370 000 2288	Tel	0300 123 8 123

Alternatively, please contact the school's Data Protection Officer, Miss Lydia Naylor Tel No. 01606 786000

## Appendix 2

### PRIVACY NOTICE FOR PUPILS, PARENTS AND GUARDIANS

#### Privacy Notice – General Data Protection Regulations May 2018: How we use your information

We, **Hartford Church of England High School**, process personal information relating to our pupils and may receive information about them from their previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service. We hold this personal data to:

- Support our pupils' learning
- Monitor and report on their progress
- Provide appropriate pastoral care; and
- Assess the quality of our services

Information we hold about our pupils will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as ethnic group, any special educational needs they may have as well as relevant medical information. For pupils enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.

#### In addition for Secondary Schools

In addition, once our pupils reach the age of 13, the law requires us to pass on certain information about them to the local authority and provider of youth support services in our area who have responsibilities in relation to the education or training of 13-19 year olds. We provide them with these pupils' names and addresses, dates of birth, names(s)/address(es) of their parent(s)/guardian(s) and any other information relevant to their role. We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them. A parent/guardian can ask that no information apart from their child's name, address and date of birth be passed to our local authority and provider of Youth Support Services in our area by informing Mrs D Kettle. This right is transferred to the child once he/she reaches the age 16. For more information about young peoples' services, please go to the National Careers Service page at <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>

We will not give information to anyone outside the school without your consent unless the law and our policies allow us to. We may pass on personal information for child protection reasons or to other relevant agencies or partners.

We are required by law, to pass certain information about our pupils to our Local Authority (LA) and the Department for Education (DfE).

If you want to see a copy of the information we hold and share then please contact Mrs D Kettle.

The DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether the DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

<http://www.cheshirewestandchester.gov.uk/default.aspx?page=5340> and  
<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you are unable to access these websites, please contact the LA or DfE as follows:

Ministerial and Public Communications Division <b>Department for Education</b> Piccadilly Gate Store Street Manchester M1 2WD		The Data Protection Officer <b>Cheshire West and Chester Council</b> HQ 58 Nicholas Street Chester Cheshire CH1 2NP	
Website	<a href="https://www.gov.uk/government/organisations/department-for-education">https://www.gov.uk/government/organisations/department-for-education</a>	Website	<a href="http://www.cheshirewestandchester.gov.uk/">http://www.cheshirewestandchester.gov.uk/</a>
Contact	<a href="https://www.education.gov.uk/help/contactus/dfе">https://www.education.gov.uk/help/contactus/dfе</a>	Contact	<a href="mailto:FOIWest@cheshirewestandchester.gov.uk">FOIWest@cheshirewestandchester.gov.uk</a>
Tel	0370 000 2288	Tel	0300 123 8 123

Alternatively, please contact the school's Data Protection Officer, Miss Lydia Naylor Tel No. 01606 786000

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<sup>i</sup> Attendance information is not collected for pupils under 4 at Early Years Settings or Maintained Schools