

# Data protection policy and privacy notice

## Amington Heath Primary School and Nursery



**Approved by:** AHPS Governing Body

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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 [General Data Protection Regulation 2018](#)

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 2018](#) and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

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.

## 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   |
| <b>Sensitive personal data</b> | 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> |
| <b>Processing</b>              | Obtaining, recording or holding data  |
| <b>Data subject</b>            | The person whose personal data is held or processed   |
| <b>Data controller</b>         | A person or organisation that determines the purposes for which, and the manner in which, personal data is processed  |
| <b>Data processor</b>          | 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, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Office Manager.

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

#### 5. Data protection principles

The [General Data Protection Regulation 2018](#) based on the following data protection principles, or rules for good data handling:

Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) 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;

c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

d) 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;

e) 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

f) 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.

Article 5 requires that:

the controller shall be responsible for, and be able to demonstrate, compliance with the principles.

The governing board has overall responsibility for ensuring that the school complies with its obligations under the [General Data Protection Regulation 2018](#)

Day-to-day responsibilities rest with the headteacher, or the deputy headteacher 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**

### **7.1 Pupils and parents**

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

## 7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body
- Fulfil our safeguarding requirements

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

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

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the headteacher

## 8. Subject access requests

Under the [General Data Protection Regulation 2018](#), pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests may be submitted in verbally or in writing by any means of communication.

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

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

Subject access requests for all or part of the pupil's educational record will be provided without undue delay and at the latest within 15 days of receipt. Access to other information will be within one calendar month of receipt.

We do not usually charge a fee to comply with subject access requests. However, as noted above, where the request is manifestly unfounded or excessive you may charge a "reasonable fee" for the administrative costs of complying with the request. You can also charge a reasonable fee if an individual requests further copies of their data following a request. You must base the fee on the administrative costs of providing further copies.

| <b>Number of pages of information to be supplied</b> | <b>Maximum fee (£)</b> |
|--|------------------------|
| 1-19   | 1.00                   |
| 20-29  | 2.00                   |
| 30-39  | 3.00                   |
| 40-49  | 4.00                   |
| 50-59  | 5.00                   |
| 60-69  | 6.00                   |
| 70-79  | 7.00                   |
| 80-89  | 8.00                   |
| 90-99  | 9.00                   |
| 100-149  | 10.00                  |
| 150-199  | 15.00                  |
| 200-249  | 20.00                  |
| 250-299  | 25.00                  |
| 300-349  | 30.00                  |
| 350-399  | 35.00                  |

|         |       |
|---------|-------|
| 400-449 | 40.00 |
| 450-499 | 45.00 |
| 500+    | 50.00 |

## 9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

## 10. 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 to be transferred to another educational setting as part of transition (in paper or electronic form), staff must sign it out from the school office. The receiving setting will then sign to say they have accepted the paper work and this is retained by our school office.
- Electrical formats should be accessed through the school's secure system on a device with up to date filtering and protections.
- 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
- Electronic storage of personal information are password protected as an additional safety measure.

## 11. Disposal of records

Personal 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.

## 12. Training

Our staff and governors are provided with 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.

## 13. The General Data Protection Regulation

[Guide to Data Protection Regulation](#)

## 14. Monitoring arrangements

The Office Manager is responsible for monitoring and reviewing this policy.

The headteacher checks that the school complies with this policy by, among other things, reviewing school records annually.

This document will be reviewed annually.

At every review, the policy will be shared with the governing board.

## 15. Links with other policies

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

|               |   |
|---------------|---|
| February 2020 | References to GDPR 2018 updated<br>Changes to section 5. Data Protection Principles<br>Changes to Subject access requests – charges, time frames                                      |
| January 2022  | Staff sharing of info to include for safeguarding requirements.<br>That electrical forms of data should be accessed through school systems with up to date filtering and protections. |

### Updates when reviewed 3/2/23

|           |   |
|-----------|---|
| P7 3/2/23 | <ul style="list-style-type: none"><li>Electronic storage of personal information are password protected as an additional safety measure.</li></ul>  |
| P7 3/2/23 | <ul style="list-style-type: none"><li>Where personal information needs to be taken off site to be transferred to another educational setting as part of transition (in paper or electronic form), staff must sign it out from the school office. The receiving setting will then sign to say they have accepted the paper work and this is retained by our school office.</li><li>Electrical formats should be accessed through the school's secure system on a device with up to date filtering and protections.</li></ul> |