



# Data protection policy including staff and student privacy notices March 2017

Office use

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<b>Associated documents:</b>			
<ul style="list-style-type: none"> <li>DALP policies linked to data protection</li> <li>Privacy policy (students and staff)</li> <li>Data collection sheet</li> </ul>		<ul style="list-style-type: none"> <li>Data processing agreement</li> <li>Communications policy</li> <li>Acceptable Use policy (students and staff)</li> </ul>	
<b>Links to:</b>			
<ul style="list-style-type: none"> <li>Data Protection Act 1998</li> <li>Freedom of Information Act</li> <li>Records Retention Guidance</li> </ul>			

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## **1 Policy statement**

Data protection

Diverse Academies Learning Partnership (DALP) takes its responsibilities with regard to the management of the requirements of the Data Protection Act 1998 very seriously. This document provides the policy framework through which effective management of Data Protection matters can be achieved.

## **2 Scope and purpose**

The purpose of this policy is to ensure that our Academies' and the Academies' staff and students comply with the provisions of the Data Protection Act 1998 when processing personal data. Any serious infringement of the Act will be treated seriously by DALP and may be considered under disciplinary procedures.

## **3 Equality impact**

DALP collects and uses personal information about staff, students, parents or carers and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that our schools comply with their statutory obligations. This policy will ensure that confidential data about all students, staff and families is held securely and only shared when there is a clear, legal responsibility to do so or the individual concerned has given permission.

## **4 Personal data**

The Data Protection Act 1998 applies only to information that constitutes "personal data". Information is "personal data" if it relates to a living individual who can be identified from that data, or other information held. Consequently, automated and computerised personal information about employees held by employers is covered by the Act.

## **5 The use of personal information**

The Data Protection Act 1998 applies to personal information that is "processed". This includes obtaining personal information, retaining and using it, allowing it to be accessed, disclosing it and, finally, disposing of it.

## **6 Sensitive personal data**

6.1 Sensitive personal data is information about an individual's:

- racial or ethnic origin
- political opinions
- religious beliefs or other beliefs of a similar nature
- trade union membership
- physical or mental health or condition
- sexuality
- criminal offences

6.2 The organisation will not retain sensitive personal data without the express consent of the employee in question. The organisation will process sensitive personal data, including sickness and injury records and references, in accordance with the eight data protection principles.

This policy applies regardless of where the data is held, i.e. if it is held on personally-owned equipment or outside Academy property.

## **7 Principles of data protection**

DALP is required to adhere to the eight principles of data protection as laid down by the Act. In accordance with those principles personal data shall be:

1. Processed fairly and lawfully
2. Processed for specified purposes only
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Not kept longer than necessary
6. Processed in accordance with data subjects' rights
7. Processed and held securely
8. Not transferred outside the countries of the European Economic Area without adequate protection

## **8 Roles and responsibilities**

DALP is responsible for establishing policies and procedures in order to comply with the requirements of the Data Protection Act 1998.

8.1 DALP comprises of two Trusts; the Diverse Academies Trust and the National Church of England Trust. Both Trusts have registration at the Information Commissioners Office.

8.2 DALP in conjunction with each academy has responsibility for:

- a. drawing up guidance, giving advice and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information
- b. the appropriate compliance with subject access rights and ensuring that data is released in accordance with subject access legislation under the Data Protection Act 1998
- c. ensuring that any data protection breaches are resolved, catalogued and reported appropriately in a swift manner and in line with guidance from the Information Commissioner's Office
- d. investigating and responding to complaints regarding data protection including requests to cease processing personal data

## 9 Staff responsibilities

9.1 Staff members who process personal data about students, staff, applicants or any other individual must comply with the requirements of this policy.

Staff members must ensure that:

- a. all personal data is kept securely
- b. no personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party
- c. personal data is kept in accordance with the DALP retention schedule [www.dalp.org.uk](http://www.dalp.org.uk)
- d. any queries regarding data protection, including subject access requests and complaints, are promptly directed to [office@dalp.org.uk](mailto:office@dalp.org.uk)
- e. any data protection breaches are swiftly brought to the attention of [office@dalp.org.uk](mailto:office@dalp.org.uk) and that staff are instrumental in resolving breaches
- f. where there is uncertainty around a Data Protection matter advice is sought from [office@dalp.org.uk](mailto:office@dalp.org.uk)
- g. privacy notices for staff and students may be found at appendices A and B below

9.2 When members of staff are responsible for supervising students doing work which involves the processing of personal information (for example in research projects), they must ensure that those students are aware of the data protection principles, in particular, the requirement to obtain

the data subject's consent where appropriate. Staff who are unsure about who are the authorised third parties to whom they can legitimately disclose personal data should seek advice.

## **10 Third-party data processors**

Where external companies are used to process personal data on behalf of the Academy, responsibility for the security and appropriate use of that data remains with the Academy.

Where a third-party data processor is used:

- a. a data processor will be chosen which provides sufficient guarantees about its security measures to protect the processing of personal data
- b. reasonable steps will be taken that such security measures are in place
- c. a written contract establishing what personal data will be processed and for what purpose will be set out
- d. a data processing agreement must be signed by both parties
- e. For further guidance about the use of the third-party data processors we use please contact [office@dalp.org.uk](mailto:office@dalp.org.uk)

## **11 Contractors, short-term and voluntary staff**

Individual DALP Academies are responsible for the use made of personal data by anyone working on its behalf. Managers who employ contractors, short term or voluntary staff must ensure that they are appropriately vetted for the data they will be processing. In addition, managers should ensure that:

- a. any personal data collected or processed in the course of work undertaken for the academy is kept securely and confidentially
- b. all personal data is returned to the academy on completion of the work, including any copies that may have been made. Alternatively, that the data is securely destroyed and the Academy receives notification in this regard from the contractor or short-term/voluntary member of staff
- c. the academy receives prior notification of any disclosure of personal data to any other organisation or any person who is not a direct employee of the contractor
- d. any personal data made available by the academy, or collected in the course of the work, is neither stored nor processed outside the UK unless written consent to do so has been received from the academy

- e. all practical and reasonable steps are taken to ensure that contractors, short-term or voluntary staff do not have access to any personal data beyond what is essential for the work to be carried out properly

## **12 Parent/carer responsibilities**

Parent/carers are responsible for ensuring that their personal data provided to the academy is accurate and up to date.

## **13 Subject access requests**

DALP is required to permit individuals to access their own personal data held by the academy via a subject access request. Any individual wishing to exercise this right should do so in writing to [office@dalp.org.uk](mailto:office@dalp.org.uk) or at the address at the end of this policy and a charge may be made for this request. A standard form for use is available at the end of this policy (Appendix C).

13.1 The academy aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within the 40 calendar day limit set out in the Data Protection Act 1998.

13.2 Individuals will not be entitled to access information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld and determining the application of exemptions will be made by staff at the time.

13.3 DALP currently charges £10 to make a subject access request. Proof of evidence may be required.

## **14 Biometric data**

14.1 Biometric Information is information about a person's physical or behavioural characteristics that can be used to identify them, for example, information from their fingerprint. DALP academies may use information from a person's fingerprint for the purposes of providing access to the library and catering facilities at the academies.

14.2 The information will be used as part of an automated biometric recognition system. This system will take measurements of a fingerprint and convert these measurements into a template to be stored on the system. An image of fingerprint is not stored. The template (i.e. measurements taken from a fingerprint) is what will be used to permit access to services. The academy cannot use the information for any purpose other than those for which it was originally obtained and made known to parents.

## **15 Providing consent/objecting**

As stated above, in order to be able to use biometric information, the written consent of at least one parent is required. However, consent given by one parent will be overridden if the other parent objects in writing to the use of their child's biometric information. Similarly, if a child objects to this, the academy cannot collect or use his/her biometric information for inclusion on the automated recognition system. Parents/staff can also object to the proposed processing of biometric information at a later stage or withdraw any consent that has previously been given. Please note that any consent, withdrawal of consent or objection from a parent must be in writing. Even if a parent has consented, a child can object or refuse at any time to their biometric information being taken/used. His/her objection does not need to be in writing. The law says that schools/academies must provide reasonable alternative arrangements for students who are not going to use the automated system.

15.1 When a child leaves the academy, or if some other reason he/she ceases to use the biometric system, his/her biometric data will be securely deleted.

## **16 CCTV**

16.1 CCTV systems may be used at our academies. Where they are used they may cover various open areas both within and outside the building. The systems are controlled by the site manager and senior staff can also access the system if and when required. CCTV is primarily used to help improve security around the academy.

16.2 Signs will be visible on the premises of the academy, notifying staff, students and visitors that CCTV is in operation.

16.3 Senior staff may also at times use the CCTV system to monitor people's movement and behaviour within the academy to help safeguard all stakeholders (e.g. at break and lunchtimes). Staff may also use the system to play back and watch historical footage (if available) to help investigate incidents e.g. poor behaviour, damage to school property, theft etc.

16.4 CCTV Subject Access requests may be made by any person on written request. Any person whose image has been recorded has a right to be given a copy of the information recorded which relates to them, provided always that such an image/recording exists i.e. has not been deleted and provided also that an exemption/prohibition does not apply to the release. Where the image/recording identifies another individual, those images may only be released where they can be redacted/anonymised so that the other person is not identified or identifiable. To exercise their right of access, a data subject must make an application in writing to the address at the end of the policy or [office@dalp.org.uk](mailto:office@dalp.org.uk).



16.5 All footage recorded by the CCTV system is stored for a period of time, before being overwritten. Please see Appendix D.

## **17 Photographic images**

17.1 Images of individuals are treated as personal data. Images of crowds in a public area are not. When taking photographs intended for publication on our website or elsewhere, it is our policy to seek the written permission of any individuals who are photographed.

17.2 We will respond promptly to any request to remove photographic images and/or personal data from the website where the person making such a request has a right to do so under the Data Protection Act.

## **18 Freedom of Information Act**

Please see Freedom of Information Act Policy on the DALP website: [www.dalp.org.uk](http://www.dalp.org.uk)

## **19 Data protection breaches**

Where a data protection breach occurs, or is suspected to have occurred DALP staff should be notified as soon as possible. They will work alongside the relevant academy/department(s) to:

- a. minimise the damage
- b. assess the extent of the damage and determine whether the ICO should be notified
- c. notify individuals affected as appropriate
- d. ascertain how the breach occurred and, if appropriate, determine how to prevent or minimise future breaches

## **20 Contact**

Queries regarding this policy or the Data Protection Act or to make a Subject Access Request should be directed to the:

Data Protection Team  
Diverse Academies Learning Partnership  
Kelham Hall  
Kelham  
Newark  
NG23 5QX

Email: [office@dalp.org.uk](mailto:office@dalp.org.uk)

20.1 Note – the Diverse Academies Trust Data Protection Controller is Alison Elway. National Church of England Academy Trust Data Controller is Ashley Cockerill. A senior member of staff in each academy also has overall control for data protection requests, other issues in the academy and will monitor compliance. All requests should initially be sent to the above address or [office@dalp.org.uk](mailto:office@dalp.org.uk).

## **21 Complaints**

Any complaints will be dealt with according to the DALP Complaints Policy [www.dalp.org.uk](http://www.dalp.org.uk). Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at:

Wycliffe House Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

[www.ico.gov.uk](http://www.ico.gov.uk)

## **22 Review of the policy**

This policy is reviewed annually by the Trust we will monitor the application and outcomes of this policy to ensure it is working effectively.

## **Appendix A: STUDENT PRIVACY NOTICE**

### **Privacy notices**

#### **Information about students in academies alternative provision, Student referral units and children in early years settings**

##### **Data Protection Act 1998: How we use your information**

We process personal information relating to our students and may receive information about them from their previous school/academy college, local authority, the Department for Education (DfE) and the Learning Records Service. We hold this personal data to:

- support our students' learning
- monitor and report on their progress
- provide appropriate pastoral care
- assess the quality of our services

Information about our students that we hold 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 their ethnic group, any special educational needs they may have as well as relevant medical information. For students 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 once our students reach the age of 13, the law requires us to pass on certain information about them to the Department for Education (DfE) who have responsibilities in relation to the education or training of 13-19 year olds. We provide them with these students' names and addresses, dates of birth, name(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 the local authority or the provider of Youth Support Services in your area by informing the Academy's Administrator. This right is transferred to the child once he/she reaches the age 16. For more information about services for young people, please go to the DfE website [www.gov.uk/government/organisations/department-for-education/services-information](http://www.gov.uk/government/organisations/department-for-education/services-information).

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

We are required, by law, to pass some information about you to the Department for Education (DfE). This information will, in turn, then be made available for the use by the LA.

If you need more information about how the DfE collect and use your information, please visit the DfE website at [www.gov.uk/data-protection-how-we-collect-and-share-research-data](http://www.gov.uk/data-protection-how-we-collect-and-share-research-data)

If you want to receive a copy of the information about you that we hold, please contact the administrator at your individual academy responsible for data.

## **Appendix B: STAFF PRIVACY NOTICE**

### **Privacy notices**

**The school workforce: those employed to teach, or otherwise engaged to work at, a school/academy or a local authority.**

### **The Data Protection Act 1998: How we use your information**

We process personal data relating to those we employ to work at, or otherwise engage to work for Diverse Academies Learning Partnership (DALP). This is for employment purposes to assist in the running of the Trust 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
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

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 the Department for Education (DfE).

If you require more information about how we and/or DfE store and use your personal data please visit [www.gov.uk/data-protection-how-we-collect-and-share-research-data](http://www.gov.uk/data-protection-how-we-collect-and-share-research-data).

If you want to see a copy of information about you that we hold, please contact the administrator at your individual academy responsible for data.

## Appendix C: SUBJECT ACCESS REQUEST FORM

You can use this form to request access to the personal information held on you by the academy for your child. Under the Data Protection Act you have a right to be told whether the academy – or someone else on the academy's behalf – is processing your personal data and, if so, to be given a description of:

- the personal data held
- the purposes for which that personal data is being processed
- those to whom that personal data is being or may be disclosed

### Section one – Your details

Surname:	
First Name(s):	
Address:	
Telephone:	
Email:	
What is the name of the academy:	
If the information relates to a student at the academy please provide the name of the student/s about whose personal data you are enquiring:	
Do you have parental responsibility for the student who is the 'Data Subject':	
If the answer is no please provide justification for your request:	

Please ensure you enclose proof of your identity – such as a photocopy of your passport, driving license, birth certificate or utility bill.

Please provide a description of the data you are requesting in the box below. You may continue overleaf if needed. You should describe the information you need as clearly as possible: it is not sufficient to ask for "everything about me". If your request is too broad or unclear, we may need to ask you to be more specific.

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**Section two – Declaration**

I am the enquirer named in section one of this form and request that .....  
academy (insert name of the academy to which this relates) provide me with a copy of the personal  
data held for the Data Subject. I enclose proof of my identity and a cheque for £10 made payable  
to .....(name of academy).

**Signed:**

**Date:**

Please send the completed form to:

The Data Controller  
Diverse Academies Learning Partnership  
Kelham Hall  
Kelham  
Newark  
NG23 5QX

Email: [office@dalp.org.uk](mailto:office@dalp.org.uk)

## Appendix D: DATA PROTECTION – procedural/operational arrangements for each academy

	East Leake Academy	The Holgate Academy	National CofE Academy	Retford Oaks Academy	Tuxford Academy	Tuxford Primary Academy	Walton Girls' High School	Queen Elizabeth's Academy	Wainwright Primary Academy
<b>Confidential shredding</b>									
Academy uses a shredding company to shred confidential waste	Confirmed	Confirmed	Confirmed	Confirmed	Confirmed	No – carried out by employees	Confirmed	Confirmed	No – carried out by employees
Name of the shredding company and how often they visit the academy	Shredall annually	Shredall Ad hoc basis	Shredall annually	Shred IT monthly	PHS Data shredded annually	N/A	Premier Shredding ad hoc basis	Data Shred Annual	N/A
Confidential waste is stored in an identified designated area whilst waiting to be shredded (either by the shredding company or academy employees)	Confirmed	Confirmed	Confirmed	Confirmed	Confirmed	Confirmed	Confirmed	Confirmed	Shredded as the need arises
<b>Telephone calls</b>									
Academy records telephone calls and the callers are made aware of this	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A



Telephone conversations are stored for – named period of time	One year	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Closed circuit television (CCTV)</b>									
Academy operates closed circuit television monitoring	Confirmed	Confirmed	Confirmed	Confirmed	Confirmed	No	Confirmed	Confirmed	Confirmed
CCTV is inside and/or outside	Inside and outside	Inside and outside	Inside and outside	Outside	Inside and outside	N/A	Inside and outside	Inside and outside	Inside and outside
Recordings are kept for the stated period of time before being overridden	30 days	Variable between 4 weeks and 3 months	7 days	30 days	14 days	N/A	30 days	30 days	38 days
Signs are visible to advise individuals CCTV is being used inside and/or outside	Internal signs only	Inside and outside including voice recording in reception	Inside and outside	Outside	Inside and outside	N/A	External signs only	Internal	Confirmed
Monitors are kept in a secure area and only accessible by relevant staff	?	Confirmed	Confirmed	Confirmed	Confirmed	N/A	Confirmed	Confirmed	Confirmed
<b>Information held regarding students</b>									
Annual reminders are sent to parents regarding information held about their child e.g. photo consent. Or forms are signed in year	Annual reminders	Annual reminders	?	Annual reminders	?	Forms are signed upon entry	Confirmation received upon entry	Upon entry on Y7 and new starter details and annual reminder	Forms are signed upon entry

7 or on entry to the academy									
If annual reminders are sent are they paper based email/text	Paper and electronic	Paper based	?	Paper based	?	N/A	N/A	Paper and electronically in the future	N/A
Parents can update their information on the academy website/or contact the academy to make changes	?	Contact the academy direct	Parents can use PARS Insight to communicate changes	Contact the academy direct	Parents can use PARS Insight to communicate changes	Contact the academy direct	Contact the academy direct	Contact the academy directly and the app connect ed	Contact the academy direct
<b>Data protection training</b>									
Data Protection Training to be provided to employees	?	?	?	?	?	?	?	?	?