

STOCKPORT GRAMMAR SCHOOL

DATA PROTECTION POLICY

(Approved by Governors 01.07.03)

(Revisions approved by Governors 12.10.10)

INTRODUCTION

General Statement of the School's Duties

1. The School is required to process relevant personal data regarding staff (including temporary staff, agency workers and volunteers), pupils and their parents and guardians as part of its operation and shall take all reasonable steps to do so in accordance with the requirements of the Data Protection Act 1998 (DPA 1998) and this Policy.
2. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy any reference to pupils includes current, past or prospective pupils.

The Data Protection Principles

3. The School is required to comply with the Data Protection Principles ("the Principles") contained in the DPA 1998 to ensure all data is: -
 - Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than necessary
 - Processed in accordance with the data subject's rights
 - Secure
 - Not transferred to other countries without adequate protection

TERMINOLOGY

Personal Information

4. Personal information is any information about someone who can be identified (e.g. their address, school activities, admission and attendance record, disciplinary record, exam results). It makes no difference whether they can be identified directly from the record itself or indirectly using other information.

Personal Data

5. Personal data is:
 - Personal information that has been, or will be, word processed or stored electronically (e.g. computer databases and CCTV recordings).
 - Personal information that is, or will be, kept in a file which relates to an individual or in a filing system that is organised by reference to criteria which relate to the individuals concerned (e.g. name, school year, school activities etc).

- Health records prepared by a doctor, nurse or other health professional.

Sensitive Personal Data

6. The School may, from time to time, be required to process sensitive personal data regarding a member of staff, a pupil, their parents or guardians. The School has special obligations in connection with the use of such data, which may include information about an individual's religion, race, health, trade union membership, actual or alleged criminal activity. Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will generally be required in writing.

Processing of Personal Data

7. Consent may be required for the processing of personal data unless the processing is necessary for the School to undertake its obligations to staff, pupils and their parents or guardians. Any information which falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

The Data Controller & Data Protection Officer

8. As a Data Controller the School is responsible for complying with the DPA 1998. The Governing Body has delegated day-to-day responsibility for compliance to the Bursar as Data Protection Officer (DPO). All staff are responsible for complying with this policy.

The Data Subject

9. The data subject is the person to whom the information relates. There may be more than one data subject, such as when a record concerns an incident involving two pupils.

Acquiring and Using and Retaining Personal Data

10. The School shall only process Personal Data for specific and legitimate purposes. These are:
 - providing pupils and staff with a safe and secure environment, an education and pastoral care;
 - providing activities for pupils and parents - this includes School trips and activity clubs;
 - providing academic, examination and career references for pupils and staff;
 - protecting and promoting the interests and objectives of the School - this includes fundraising; and
 - fulfilling the School's contractual and other legal obligations.

School staff must not process Personal Data for any other purpose without the DPO's permission.

11. The School shall not use Personal Data for any purpose that is incompatible with the purpose for which it was originally acquired without obtaining the Data Subject's permission. Staff should seek advice from the DPO in all but the clearest of cases, but if information has been obtained in confidence for one purpose, it shall not be used for any other purpose without the DPO's permission.
12. The School shall not hold unnecessary Personal Data, but shall hold sufficient information for the purpose for which it is required. The School shall record that information accurately and shall take reasonable steps to keep it up-to-date. This includes an individual's contact and medical details.
13. The School shall not transfer Personal Data outside the European Economic Area (EEA) without the Data Subject's permission unless it is satisfied that the Data Subject's rights under the Act will be adequately protected and the transfer has been approved by the DPO. This applies even if the transfer is to a pupil's parents or guardians living outside the EEA.
14. When the School acquires personal information that will be kept as Personal Data, the School shall be fair to the Data Subject and fair to whoever provides the information (if that is someone else).
15. The School shall only keep Personal Data for as long as is reasonably necessary. More specific guidelines apply in particular situations: further details are available from the DPO.

Information and Explanation

16. Unless it is already clear to the person concerned, when the School asks for personal information which may be kept as Personal Data the School shall:
 - explain which information is optional, which is mandatory, and the consequences if it is withheld;
 - explain why the School is asking for that information, and how it will be used;
 - identify the School as the Data Controller; and
 - explain who outside the School will receive that information.
17. If the School obtains personal information from someone other than the Data Subject, the School shall:
 - inform the Data Subject that the School has recorded that information;
 - identify its source;
 - explain why the School has acquired it, and how it will be used;
 - identify the School as the Data Controller; and
 - explain who outside the School will receive that information.

A different approach may be necessary when medical, child protection or staff issues are involved: further advice is available from the Bursar or Designated Person responsible for child protection and welfare .

Protecting Confidentiality

18. Only staff with the appropriate authorisation from the School may access any Personal Data. Personal Data shall not be disclosed to anyone who does not have the appropriate authority to receive such information, irrespective of their seniority within the School or their relationship to the Data Subject, unless they need to know it for a legitimate purpose. Examples:

- The School Nurse may disclose details of a lunchtime supervisor's allergy to bee stings to colleagues so that they will know how to respond, but more private health matters must be kept confidential.
- Personal contact details for a member of staff (e.g. their home address and telephone number, and their private mobile phone number and email address) shall not be disclosed to parents, pupils or other members of staff unless the member of staff has given their permission.

Protecting Personal Data

19. The School shall do all that is reasonable to ensure that Personal Data is not lost or damaged, or accessed or used without proper authority, and the School shall take appropriate steps to prevent these events happening. In particular:

- Paper records which include confidential information shall be kept in a cabinet or office which is kept locked when unattended.
- The School uses a range of measures to protect Personal Data stored on computers, including file encryption, anti-virus and security software, user passwords, audit trails and back-up systems.
- Staff must not remove Personal Data from the School's premises unless it is stored in an encrypted form on a password protected computer or memory device. Further information is available from the ICT Department.
- Staff must not use or leave computers, memory devices or papers where there is a significant risk that they may be viewed or taken by unauthorised persons: they should not be viewed in public, and they must never be left in view in a car, where the risk of theft is greatly increased.

Rights of Access

20. Individuals are entitled to know whether the School is holding any Personal Data which relates to them, what that information is, the source of the information, how the School uses it, and who it has been disclosed to.

21. Any individual wishing to access their personal data should put their request in writing to the DPO. The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 calendar days for access to records and 21 days to provide a reply to an access to information request.
22. Please note that the School may charge an administration fee of up to £10.00 for providing information requested under the DPA 1998.
23. You should be aware that certain data is exempt from the right of access under the DPA 1998. This may include information which identifies other individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts.
24. The School will also treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil or member of staff. The School acknowledges that an individual may have the right to access a reference relating to them *received* by the School. However such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.

Whose Rights?

25. The rights under the Data Protection Act are the individual's to whom the data relates. The School will however in most cases rely on parental consent to process data relating to pupils unless, given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted (where for example the School has given an undertaking of confidentiality to the child).
26. The School will only grant the pupil direct access to their personal data if in the School's reasonable belief the pupil understands the nature of the request. A person aged twelve or over shall be presumed to be of sufficient age and maturity to have such understanding.
27. Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils, or where the School is required by law to disclose specific information.

Exemptions

28. Certain data is exempted from the provisions of the Data Protection Act which includes the following:
 - The prevention or detection of crime

- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPO.

Disclosure of Information

29. The School may receive requests from third parties to disclose personal data it holds about staff, pupils, their parents or guardians. The School confirms that it will generally disclose information unless the individual has withheld their consent, consent having first been sought. In particular, the School will disclose such data as is necessary to third parties for the following purposes:

- To provide a reference for a member of staff when they are seeking alternative employment
- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend
- To publish the results of pupil examinations or other achievements of pupils of the School
- To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

30. Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identify of that third party before making any disclosure.

Use of Personal Information by the School

31. The School will, from time to time, make use of personal data relating to staff, pupils, their parents or guardians in the following ways:

- Use of photographic images of pupils in School publications and on the School website. However, the School will not publish images of individuals with their names without the express agreement of the appropriate individual
- For fundraising, marketing or promotional purposes and to maintain relationships with pupils and former pupils of the School.

Objections to the use of Information

32. Individuals have a legal right to ask the School not to use their Personal Data for **direct marketing purposes** or in ways which are likely to cause substantial damage or distress.

33. Individuals have a legal right to ask for **incorrect** Personal Data to be corrected or annotated. The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPO of any changes to information held about them.
34. Individuals have a legal right to ask the School not to make **automatic decisions** (using Personal Data) if such automatic decisions would affect them to a significant degree.
35. If you wish to limit or object to any such use you should notify the DPO in writing.

Staff Issues

36. Any member of staff who receives a request for information covered by this policy from a pupil, parent or any other individual must inform the Bursar as soon as is reasonably possible, which should in most cases be the same day. This is important as there is a statutory procedure and timetable which the School must follow.
37. Any member of staff wishing to exercise a right to request information covered by this policy, can do so by submitting a request in writing to the Bursar, and by paying the appropriate fee.

Security

38. The School will take reasonable steps to ensure that members of staff will only have access to personal data relating to staff, pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

Enforcement

39. If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the School's complaints procedure and should also notify the DPO, or can ask the Information Commissioner for an assessment to see if there is compliance.

Further Information

40. The School has registered its use of Personal Data with the Information Commissioner's Office and further details of the Personal Data it holds, and how it is used, can be found in the School's register entry on the Information Commissioner's website at www.ico.gov.uk under registration number Z9975353. This website also contains further information about data protection.
41. If you would like to any further information about anything within this statement, then please contact the DPO.

Breach of this policy

42. A member of staff who deliberately or recklessly discloses Personal Data held by the School without proper authority is guilty of a criminal offence and gross misconduct. This could result in summary dismissal.