



DATA PROTECTION POLICY

The Principal, March 2010
Formal Review Date: March 2011



DATA PROTECTION POLICY

Rationale

The Academy, LA and DCSF hold information on students in order to run the education system. In doing so the Academy has to follow the Data Protection Act, 1998. Data help about students has to be used for specific purposes, allowed by law.

The Academy holds information about staff in its employment records in order to perform key tasks e.g. recruitment, performance monitoring, recording absence and health & safety matters. The Academy has to comply with the Data Protection Act, 1998 to ensure it is collected and used fairly, stored safely and not disclosed to other persons unlawfully.

Student Data

The Academy holds information on students in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the Academy as a whole is doing. This information includes contact details, National Curriculum assessment results, attendance information, and characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time we are required to pass on some of this data to the Local Authority (LA), to another school or Academy to which the student is transferring, to the Department for Children, Schools and Families (DCSF), and to the Qualifications and Curriculum Authority (QCA), which is responsible for the National Curriculum and associated assessment arrangements.

The local Authority uses information about students to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the student may have. As with the DCSF, it may also use the information to derive statistics to inform decision on (for example) the funding of Academies, and to assess the performance of Academies and set targets for them. The statistics are used in such a way that individual students cannot be identified from them.

The Qualifications and Curriculum Authority uses information about students to administer the National Curriculum tests and assessment. The results of these are passed on to DCSF in order for it to compile statistics on trends and patterns in levels of achievement. The QCA uses the information to evaluate the effectiveness of the National Curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

The Department for Children, Schools and Families uses information about students for statistical purposes, to evaluate and develop Education Policy and to monitor the performance of the education service as a whole. The statistics (including those based on information provided by the QCA) are used in such a way that individual students cannot be identified from them. The DCSF will feed back to LA and Academies information about their students where they are lacking this information because it was not passed on

by a former Academy. On occasions, information may be shared with other Government departments or agencies strictly for statistical or research purposes only.

Students, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If a student wishes to access their personal data, or a parent wishes to do so, on their behalf, they can contact the relevant organisation in writing:

- the Academy
- the LA's Data Protection Officer at Research & Information, Education Directorate, PO Box 101, Civic Centre, Sunderland, SR2 7DN;
- the QCA's Data Protection Officer at QCA, 83 Piccadilly, LONDON, W1J 8QA;
- the DCSF's Data Protection Officer at DCSF, Caxton House, Tothill Street, LONDON, SW1H 9NA.

Please note that all rights under the Data Protection Act to do with information about students rest with them as soon as they are old enough to understand these rights. This will vary from one child to another and you will wish to consider the position for your child, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12.

Separately from the Data Protection Act, DCSF regulations provide a student's parent (regardless of the age of the student) with the right to view, or to have a copy of, their child's educational record at the Academy. If a parent wishes to exercise this right they should write to the Academy.

Providing information to Connexions

For students approaching or above age 13 the Academy is required to pass on information to the Connexions Service. This information includes the name and address of the student and parent, and any further information relevant to the Connexions Service's role, which is to support young people, helping them to achieve their potential and to realise benefits from education, learning and employment. However, parents, or the students themselves if aged 16 or over, can ask that no information beyond name and address (for student and parent) be passed on to Connexions. If as a parent, or as a student aged 16 or over, you do not want Connexions to receive from us information beyond name and address, please contact the Academy within two weeks of receiving this note.

Since, for students aged 16 or over, the right to ask for information beyond name and address not to be passed to Connexions rests with the student rather than the parent, it is particularly important that you share this note with your child if they are of this age.

The LA and DCSF may provide Connexions with information which they have about your child, but will not pass on any information they have received from us if you (or your child if aged 16 or over) have notified the Academy that Connexions should not receive information beyond name and address.

If photographs of children are used by the Academy, parents will be asked to give their consent for this to happen. (see: Photography (Protection of Students) Policy)

1. Staff Employment Records

The Academy holds various items of information in employment records about its employees to allow it to perform key tasks e.g. recruitment, monitoring performance, recording absence and health and safety matters. To comply with the Data Protection Act 1998 this information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this the Academy must comply with the 8 Data Protection Principles, in summary these state that personal data shall be;

- Processed fairly and lawfully and shall not be processed unless certain conditions are met
- Obtained for specified and lawful purpose and not processed in a manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose
- Accurate and up to date
- Kept for no longer than necessary
- Processed in accordance with the data subject rights
- Protected by appropriate security
- Not transferred without adequate protection

2. Definitions

The information in the Employment Records contains both personal and sensitive personal data:

personal data identifies the individual

- from the data
- from the data or other information held
- includes expressions of opinion about an individual

sensitive personal data details the individual's

- Racial or ethnic origin
- Political opinions
- Religious belief
- Membership of a trade union
- Physical or mental health condition
- Sexual life
- Criminal offences
- Criminal proceedings and convictions

Sensitive personal data cannot be held or processed without the express consent of the individual or unless a Schedule 3 condition is satisfied eg to comply with any legal obligation associated with employment.

3. Policy Statement

The Academy requires all its employees who process or use any personal information from employment records to comply fully with its Data Protection Policy and the principles of the Data Protection Act. Disciplinary action may be taken against any employee who breaches any of the instructions or procedures following from the Policy

The Academy will hold the minimum personal data necessary on the employment records to enable it to perform its key tasks and the data should be erased once the need to hold it has passed. The Academy will retain some information longer than other information, see Appendix 1 for guidelines regarding retention periods. Every effort will be made to ensure that data are up to date and inaccuracies will be corrected without undue delay. Personal data must be treated as confidential and disclosures of data must be in accordance with the provisions of the act and the Academy's notification.

4. Employee Responsibilities

Employees are responsible for

- Ensuring any information they provide to the Academy in connection with their employment is accurate and up to date.
- Informing the Academy of any changes to information they have previously provided eg changes of address.
- Checking the information that the Academy will send out from time to time giving details of information held and processed.
- Informing the Academy of any errors or changes

If and when employees as part of their responsibilities collect, access and process information for employment records they must comply with the Guidelines for Data Protection see Appendix 2.

Line Managers are responsible for ensuring all employees they supervise are aware of their responsibilities under the Data Protection Act.

The Academy will review annually the personal data held in respect of individual employees and will send a copy to employees to ensure it is accurate and up to date.

5. Data Security

Personal information should be kept in a locked filing cabinet or kept only on a disk, which is itself kept securely.

All employees are responsible for ensuring that

- Any personal data which they have is kept secure particularly if taking data off site on laptop computers or files.
- Personal information is not disclosed either orally or in writing deliberately or accidentally or otherwise to any unauthorised third party
- No personal information is given to a third party over the telephone, all requests should be confirmed in writing and replied to in writing.

Employees should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases. It may also result in a personal liability for the individual employee.

6. Right to Access Information

Employees have the right to access the information held on their employment record and anyone who wishes to exercise this right should complete the Subject Access Form (see Appendix 3) and give it to their Directorate Personnel/Staffing Section. The Academy will not charge a fee for the access request.

The Academy will comply with the request as soon as possible but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases the reason for the delay will be explained in writing to the employee making the request.

Appendix 1

Retention of Data

Personal information should not be retained on the employment record for any longer than is necessary for the purpose required but equally it should not be discarded if doing so renders the record inadequate.

Retention Timescales

Application Form	6 years from end of employment
References received	6 years from end of employment
Payroll and Tax information	6 years from end of employment
Annual Leave record	2 years
Unpaid/Special Leave record	6 years from end of employment
Sickness records	6 years from end of employment
Annual Appraisal record	6 years from end of employment
Records relating to promotion, training	6 years from end of employment
Disciplinary record	6 years from end of employment
References given	6 years from date reference provided
Summary Record of Service Eg Name, post(s) held dates of employment	10 years from end of employment
Accident record at work	15 years
Injury at work record	15 years

These timescales can be extended where there is a **justified business reason** for doing so not merely that it might be useful to hold such documentation.

Application forms and other associated documentation within the Code of Practice for Recruitment and Selection of unsuccessful candidates for jobs should be destroyed after 8 months unless subject to challenge.

Appendix 2

Guidelines for Data Protection

Data cannot be processed unless the person submitting the data knows who is the Data Controller and to what purpose the information is to be used therefore, before processing any personal information consider:-

- Has the employee been informed that Red House Academy is the Data Controller
- Has the employee been informed of the use(s) the Academy intends to make of the data
- Is it really necessary to record the information
- Is the information standard or sensitive
- If sensitive, do you have the employee's explicit consent to process or does a Schedule 3 condition apply
- Has the employee been informed that this type of sensitive data will be processed
- Are you authorised to collect/store the data
- Have you checked with the employee that the information is accurate
- If not has the employee been allowed to amend the information
- Are you sure the information is secure
- Are you sure the subject access request comes from the employee whose file it is.
- Do not disclose any information from which a third party can be identified unless they have given consent to the disclosure
- Do not disclose information to a third party over the telephone always insist on any request being put in writing.
- Do you have the employee's consent to disclose the information to a third party

Appendix 3
Subject Access Request Form

Under the terms of the Data Protection Act, employees are entitled to request details of information held in their employment record. The Academy needs to be assured of the employee's identity before the information is released. To assist us to provide the information you require, please complete the form.

Surname -----

Forename -----

Payroll No. -----

I wish to have access to either [delete as appropriate]

1 All the information held in my employment record

2 The following data held in my employment record

Personal details
Name, address etc

References given

Disciplinary records

Sickness records

Trade Union information

Leave records

Payroll and Tax information

Appraisal record

Signed-----

Dated-----