



Bishop Fox's

High Standards & High Expectations

DATA PROTECTION

POLICY

No: 6.10

MARCH 2015

Reviewed by Governors: Autumn 2014/2015

Introduction

The Governing Body of Bishop Fox's School has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Headteacher and Governors of Bishop Fox's School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1988. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

Enquiries

Information about the school's Data Protection Policy is available from the School Business Manager. General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 01625 545 745 or www.dataprotection.gov.uk).

Fair Obtaining and Processing

Bishop Fox's School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purpose for which the data are held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

'Processing' means obtaining, recording or holding the information or data or carrying out any set of operations on the information or data.

'Data subject' means an individual who is the subject of personal data or the person to whom the information relates.

'Personal data' means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, as are names and photographs, particularly if published in the press, media or internet.

'Parent' has the meaning given in the Education Act 1996 and includes any person having parental responsibility or care of a child.

Registered Purposes

The Data Protection Registration entries for the school are available for inspection, on request, at the School Business Manager's office. Explanation of any codes and categories entered is available from the School Business Manager who is the person nominated to deal with data protection issues in the school. Registered purposes covering the data held at the school are listed on the school's Registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

Data Integrity

The school undertakes to ensure data integrity by the following methods:

- Data Accuracy – data held will be as accurate and up to date as is reasonably possible. If a data subject informs the school of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every 12 months so they can check its accuracy and make any amendments.
- Where a data subject challenges the accuracy of their data, the school will immediately mark the record as potentially inaccurate. In the case of any dispute, the school will try to resolve the matter informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved, the inaccurate marker will remain and all disclosures of the affected information will contain both versions of the information.
- Data Adequacy and Relevance – data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the school will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Staff personal details will be checked every two years to determine whether any information contained within an individual's personal file is no longer relevant. The Headteacher and School Business Manager will make any such decision.
- Length of Time – data held about individuals will not be kept for longer than necessary for the purposes registered. As the retention of records states, it is the duty of the School Business Manager to ensure that obsolete data is properly erased.

Subject Access

The Data Protection Act extends to all data subjects a right of access to their own personal data. In order to ensure that people receive information only about themselves, it is essential that a formal system of requests is in place. Where a request for subject access is received from a student, the school's policy is that:

- Requests from students will be processed as any subject access request as outlined below and the copy will be given directly to the student, unless it is clear that the student does not understand the nature of the request
- Requests from students who do not appear to understand the nature of the request will be referred to their parents/guardians
- Requests from parents in respect of their own son/daughter will be processed as a request made on behalf of the data subject (student) and the copy will be sent in a sealed envelope to the requesting parent.

Processing Subject Access Requests

Requests for access must be made in writing. Provided that there is sufficient information to process the request, entry will be made in the Subject Access Log Book, showing the date of receipt, the data subject's name, the name and address of the requester, the type of data required i.e. Student Record, Personnel Record and the planned date of supplying the information (normally within 15 school days from receipt of the request). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be the date on which sufficient information has been provided.

Authorised Disclosures

The school will, in general, only disclose data about individuals with their consent. However there may be circumstances under which the school's authorised officer may need to disclose data without explicit consent for that occasion. These occasions are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- Unless it is in the public interest to withhold information, it has to be released.

Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum of £450. Charges for the provision of information may be levied for costs relating to stationery, printing and postage, if these are below the statutory maximum.

Responsibilities

The Governing Body has delegated the day-to-day responsibility for compliance with the Freedom of Information Act 2000 to the Headteacher. The School Business Manager will co-ordinate enquiries.

Complaints

Any comments or complaints **about Data Protection** will be dealt with through the school's normal complaints procedure. We will aim to determine all complaints within 20 working days of receipt. The school will maintain records of all complaints and their outcome. If on investigation the school's original decision is upheld, then the school has a duty to inform the complainant of their right to appeal to the Information Commissioner's Officer. Appeals should be made in writing and sent to:

FOI Complaints Resolution
Information Commissioner's Officer
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

USB, Laptops and Cloud storage

If personal data information including student and staff records, are stored on other devices such as laptops and memory sticks they must be encrypted. The Somerset Learning Platform (SLP) and the OneDrive in the Educ Office 365 email account offers a secure and encrypted 'cloud' service that can safely be used to transfer identifiable personal data.

The use of 'cloud' or internet storage of data or information poses problems in connection with the UK Data Protection Act 1988, other than Educ Office 365 OneDrive. The use of storage media such as Google Docs, Skydrive or Dropbox ought only to be utilised for teaching materials. Data must not be transferred to reside on servers in other countries, especially outside the EU.

Where personal data or information is needed to be stored on other electronic storage media such as memory sticks, for use either within or outside the school, then encryption of these devices must occur. The school technical services team will advise on appropriate encryption software. It is the responsibility of all staff to use such encryption software in accordance with their duty of care.