



Freedom of Information and Data Policy

Spring 2015

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Safeguarding

We are fully committed to ensuring that consistent, effective safeguarding procedures are in place to support children, families, staff, associated professionals and volunteers at the school. Our priority is to ensure the safety and welfare of all our children. We will always take a considered and sensitive approach in order that we can support all of our pupils and provide a safe school environment in which they can learn and develop. All concerns are passed through the members of staff who are trained as 'designated personnel responsible for safeguarding':

Designated Safeguarding Leader	Deputy Designated Safeguarding Leader
Laura Mayende (Deputy Head)	Genevieve Prayag

If any matters arise concerning safeguarding children, please speak to one of the above. If you do not feel the matter has been dealt with, contact the governors.

We've developed the following policies to help with our safeguarding of children and adults at St Mary's School. Copies of policies are available on the website or in the office.

Attendance

Anti-Bullying

Behaviour

Child Protection

E-safety

First Aid

Health and Safety

Looked after and adopted children

Managing Medicine Conditions

Staff conduct

Whistle blowing

St Mary's Primary School Freedom of Information and Data Protection Policy

General statement

- The Headteacher and the Governors of the School intend to comply fully with the requirements and principles of the Data Protection Act 1998, Human Rights Act 1998, and Freedom of Information Act 2000 in relation to the management of personal data in the school.
- The school will endeavour to ensure that all processing is appropriately registered/notified and will review and update notified entries.
- All staff involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities within these guidelines.
- Staff deliberately acting outside their recognised authority may be subject to appropriate disciplinary proceedings.
- It is recognised that other legislation (for example the Crime and Disorder Act) may override Data Protection law.

Schools, Local Education Authorities (LEAs), the Department for Education and the Qualifications and Curriculum Authority (QCA), Ofsted and the Learning and Skills Council (LSC) all process information on pupils. In doing so they have to comply with the Data Protection Act 1998. This means, among other things that the data held about pupils must only be used for specific purposes allowed by law.

1. Pupil Information

The **school** holds information on pupils 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 school as a whole is doing. This information includes contact details, National Curriculum Assessment results, attendance information, characteristics such as ethnic group, special education needs and any relevant medical information. From time to time schools are required to pass on some of this data to LEAs, the DfE agencies, such as QCA, Ofsted and LSC that are prescribed by law.

The **Local Education Authority** uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational need the pupils may have. It also uses the information to derive statistics to inform decisions on, for example, the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual pupils cannot be identified from them.

The **Qualifications and Curriculum Authority** uses information about pupils to administer the National Curriculum tests and assessments for Key stage 1 to 3. The results of these are passed on to DfE in order for it to compile statistics on trends and patterns in level 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.

Ofsted uses information about the progress and performance of pupils to help inspectors to evaluate the work of schools, to assist schools in their self-evaluation and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual pupils.

The **Department for Education** uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to LEAs and schools information about their pupils for a variety of purposes that will include data checking exercise, use in self-evaluation analysis and where

information is missing because it was not passed on by a former school. The DfE will also provide Ofsted with pupil level data for use in school inspections.

Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression and to provide comprehensive information back to LEAs and learning institutions to support their day to day business. The DfE may also use contact details from these sources to obtain samples for statistical surveys; these surveys may be carried out by research agencies working under contract to the Department, participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results.

The DfE may also disclose individual pupil information to independent researchers, about the educational achievements of pupils, for their research, but each case will be determined on its merits.

Pupils, 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 you wish to access the personal data held about your child then please contact the relevant organisation in writing.

2. Staff information

The school, The DfE and the London Borough of Islington hold workforce data for all staff this includes:

- Name, Address, D.O.B, Ethnicity, National Insurance number, GTC number, Qualifications, Salary and contracts, Sickness/attendance, DBS Information.

The school also keeps records on individual staff files this includes:

- Salary and signed contracts, evidence of: proof of identity, address and right to work in this country, qualifications, records of fair recruitment procedures being followed, DBS disclosure number, references.

The head may also keep confidential records pertaining to:

- Sickness and Capability procedures, staff grievances, relevant records of incidents.

The school also retains information from job applicants to the school on their application forms for 6 months before destroying.

3. Enquiries and Information

Enquiries about this policy should be made to the Headteacher, who can also provide further information about school procedures. The registered purposes for processing personal information, as recorded for notification by the school, are available by appointment for inspection in the school. Explanation of the entries registered is available from the Headteacher who is the person nominated to deal with data protection issues. Under the Freedom of Information Act the school will provide generally within 20 working days information on request about the school.

4. Fair obtaining

The school undertakes to obtain information fairly and lawfully by informing all data subjects of the reasons for its collection, the purposes for which the data will be held, where possible the likely

recipients, and the data subject's rights of access. Information about the use of personal data is printed on the appropriate collection forms. Where details are given in person or by telephone the staff member collecting the details will advise on how those details will be used.

5. Data uses and processes

The school will not use or process personal information that contravenes its statutory or registered/notified purposes.

Any new purposes for data processing introduced will, where appropriate, be notified to the individual and, if required by law, their consent will be sought.

A copy of the up to date notification/registration will be kept at the school for inspection purposes.

In general the school will only process data with subject's consent (or with the consent of parents/guardian acting on behalf of their child). There may be exceptions as outlined in Schedules 2 and 3 of the Data Protection Act where processing is necessary for example for the school to comply with its other legal obligations or to protect the vital interests of the data subject.

Only authorised and properly instructed staff is allowed to make external disclosures of personal data. Data used within the school should be made available to staff only if they need to know for their work in the school.

6. Data integrity

- The school will not collect data from individuals that is excessive or irrelevant in relation to the registered/notified purpose(s). Details collected will be adequate and no more. Information collected which becomes irrelevant or excessive will be deleted.
- Information will only be held for as long as is necessary for the registered/notified period-after which the details will be deleted.
- Data held will be accurate and up-to-date as is reasonably possible. If a data subject informs the school of a change of circumstances their record will be updated as soon as possible. Information received from a third party will be recorded as such.
- Where a data subject challenges the accuracy of their data and it cannot be updated immediately, or where the new information needs to be checked for accuracy or validity, a marker will be placed on the "challenged" record indicating the nature of the dispute or delay. The school will try to resolve issues informally and amicably with the individual but if this is not possible any disputes will be referred to the Governing Body.
- We inform parents of the **school Census**, as well as staff. A copy of the notices are at the back of this policy. A newsletter accompanies the privacy notice explaining in clear terms what it's purpose is for parents and carers **See appendix 2**

7. Security

The school undertakes to ensure the security of personal data to prevent unauthorised individuals and staff from gaining access to personal information.

- The school building is fully alarmed whenever unoccupied.
- During school hours external gates are locked and access to the building is only through the security door at reception.
- Any confidential data / information sent by e-mail to the LEA or outside agencies is sent by encrypted e-mail.
- Staff must not keep confidential data about pupils or staff on Laptop computers, data keys or other storage devices. It is acceptable for staff to have class lists and data which relates to pupil performance on such devices as regular access is required.

- All personal data on paper is kept in the Admin or Headteacher's office in filing cabinets. The office doors are locked when staff are not in. No personal data is to be left on desks or computer screens when staff are not in the office.
- Personal data on the office computer can be accessed only by authorised personnel using individual passwords. Passwords are changed regularly. Information is backed up on the servers.
- Laptop computers are kept in secure storage when off site e.g. locked house, locked car boot. No personal information about pupils is stored on laptops except performance data.+

8. Procedures and protocols

- The Headteacher is responsible for giving access to all personal data records.
- Personal data is rarely taken off site. If necessary (e.g. for child protection conference) then, the member of staff is responsible for the security of that information at all times. Information is transferred to the new schools or other authorised receivers either electronically, when directed, or by hand, or post in sealed envelopes, clearly addressed and marked confidential.
- The Headteacher is responsible for making all staff aware of their responsibilities for data protection and for general security matters and their knowledge is updated as required.
- Redundant data will be destroyed in accordance with the school's procedures for disposing of confidential materials including shredding of all confidential data.

9. Subject access/subject information requests

- Any person whose details are held/processed by the school (data subjects) has a general right to receive a copy of their own information. There are a few exceptions to this rule, such as data held for child protection or crime detection/ prevention purposes.
- The school will respond in writing to requests for access to pupils' records within 20 school days and for all other types of record with the 40 days allowed by the Data Protection Act. Requests from parents/legal guardians in respect of their own child will, provided that the child does not understand the nature of the subject access requests, be processed as requests made on behalf of the data subject (child)
- A subject access/information request should be submitted on the appropriate forms wherever possible to ensure that the school has the required information to be able to conduct a data search and fulfil the request (see below).
- Where information is not available from the school but is processed by the Local Authority (such as admissions and transfers) the requests will be directed to the appropriate officer.
- In some cases, especially with requests not submitted on the appropriate forms, further information may need to be required from the requester which may delay the start of the 40 day maximum period.
- Repeat requests will be fulfilled unless deemed unreasonable, such as second request received so soon after the first it would be impossible for the details to have changed.

Complaints and appeals

Complaints, disputes or challenges as described above should be taken up with the Headteacher (Data controller) or an authorised person acting on his/her behalf.

We have adopted the LBI policy on **Corporate Records Retention Schedule**. This document sets out a Corporate Records Retention Schedule for the London Borough of Islington. (Please see this policy for more details).

Last Reviewed By Governing Body:	Spring 2015
Next Revision:	Annual
To Be Reviewed:	Spring 2016

10. Appendix 1

Subject Access Request Form

Section 1

This form is used by **St Mary's Primary School** to help you receive information we hold and process about you, the data subject (the term used for the person whose information is held by the school).

Please complete the form as fully as possible - if you do not it could make it difficult for us to process your request.

If you are applying on behalf of another person, with their consent, **please include proof of your right to do so**. If you need help completing the form please contact the school office.

Data subject's name: _____

Address: _____

_____ Post code: _____

Previous address if you have moved since your details were given to the school: _____

_____ Post code: _____

Section 2:

Are you the parent/guardian of the child pursuing your separate right to access your child's official educational records?	Yes	No	If yes proceed to section 4
Are you the parent/guardian of the child and acting on behalf of a child who does not understand the nature of their own access rights?	Yes	No	If yes please proceed to section 3
Are you acting on behalf of the person named above?	Yes	No	If yes please proceed to section 3

Section 3: If you are acting on behalf of the data subject

Do you have written permission?	Yes	No	If yes please attach a copy and proceed to section 3a
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Section 3a: Please complete the following declaration

I _____ (Applicant) declare that **I am an agent** acting on behalf (the data subject) with their full knowledge and written consent (enclosed), or on behalf of a child who does not understand the nature of the request and I am acting in their interest. I will only disclose the information to the data subject except with further authorisation from them.

Signed: _____ Agent/Parent: _____

Section 3b: Details about the agent

Data subject's name: _____

Address: _____

_____ Post code: _____ Tel: _____

Section 4:

Please state in your own words what information you require, include details of any reference numbers given to you like payroll or client numbers, or reasons why you believe the school has your personal information on its files.

Section 5:

Declaration

To be signed by all applicants

I declare that the information given in this form is correct and that I am the data subject, parent or agent.

Signed: _____ Date: _____

The school has 20 days to respond to a request for education records and 40 calendar days to respond to other requests. The information you provide on this form will be used only for the purposes of processing your request.

11. Appendix 2

PRIVACY NOTICE

for

*Pupils in Schools, Alternative Provision and Pupil Referral Units
and Children in Early Years Settings*

Privacy Notice - Data Protection Act 1998

We **St Mary's Primary School** are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

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

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE)

If you want to see a copy of the information about you that we hold and/or share, please contact the school office.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>

<http://www.education.gov.uk/researchandstatistics/childrenandyoungpeople/a0064391/w-ho-the-department-passes-pupil-data-to>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- Public Communications Unit
Department for Education
- Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

In addition for Secondary and Middle deemed Secondary Schools

Once you are aged 13 or over, we are required by law to pass on certain information to the provider of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the address of you and your parents (and your date of birth) and any further information relevant to the support services' role.

However, until you are aged 16 or older, your parent(s) can ask that no information beyond your name, address and date of birth (and their name and address) be passed on to the youth services provider. This right transfers to you on your 16th birthday. Please inform (Insert name of School Administrator) if this is what you or your parents wish.

For more information about young peoples' services, please go to the direct gov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm or the LA website shown above

PRIVACY NOTICE

*School Workforce: those employed or otherwise engaged to work at a school
or the Local Authority*

Privacy Notice - Data Protection Act 1998

We **St Mary's Primary School** are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the Local Authority about those employed or otherwise engaged to work at the school or Local Authority. This is to assist in the smooth running of the school and/or enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of school workforce data across the sector;
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- Informing the development of recruitment and retention policies;
- Allowing better financial modeling and planning;
- Enabling ethnicity and disability monitoring; and
- Supporting the work of the School Teacher Review Body and the School Support Staff Negotiating Body.

This personal data includes some or all of the following - identifiers such as name and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

We will not give information about you to anyone outside the school or Local Authority (LA) without your consent unless the law and our rules allow us to.

We are required by law to pass on some of this data to:

- the LA
- the Department for Education (DfE)

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

- [<http://www.education.gov.uk/schools/adminandfinance/schooladmin/a0077963/what-the-department-does-with-school-workforce-data>]

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk

Email: info@education.gsi.gov.uk

Telephone: 0370 000 2288.