

**St Martin's CE (Aided) Primary School**  
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**Headteacher: Mrs K Bartlett**



## **Data Protection Policy**

**Status: Draft / Final**

**Date policy produced/reviewed: 14.01.2018**

**Policy produced/reviewed by: Headteacher**

**Ratified by the PayPerFin committee of the governing body: 18.01.18**

**Signed:**

**Position:**

**Date of next review: January 2020** (or sooner if necessary with Britain's exit from the European Union)

# **St Martin's CE (Aided) Primary School**

## **Data Protection Policy**

### **Purpose**

The purpose of this policy is to set out how St Martin's CE (Aided) Primary School deals with personal information correctly and securely and in accordance with the Data Protection Act 1998 and other related legislation.

This policy applies to all personal information however it is collected, used, recorded and stored and whether it is held on paper or electronically.

### **Scope**

All school staff and governors involved in the collection, use, processing or disclosure of personal data will be aware of their duties and responsibilities and will adhere to this policy.

### **Related policies and documents:**

Confidentiality Policy

Child Protection Policy

Health and Safety Policy

### **What is Personal Information/Data?**

Personal information or data is information which relates to a living individual who can be identified from that data, or from that data in addition to other information available to them. Personal data includes (but is not limited to) an individual's name, address, date of birth, photograph, bank details and other information that identifies them.

### **Data Protection Principles**

The Data Protection Act 1998 establishes eight principles that **must be adhered to at all times**:

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purpose(s).
3. Personal data shall be adequate, relevant and not excessive.
4. Personal data shall be accurate and where necessary, kept up to date.
5. Personal data processed for any purpose shall not be kept or longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998.
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security.
8. Personal data shall not be transferred to a country or territory outside of the European Economic Area (EEA) unless that country or territory ensures an adequate level of data protection.

### **Commitment**

St Martin's CE (Aided) Primary School is committed to maintaining the above principles at all times. The school will:

- Inform individuals why personal information is being collected.
- Inform individuals when their information is shared and why and with whom, unless, the Data Protection Act provides a reason not to do this.
- Check the accuracy of the information it holds and review it at regular intervals.
- Ensure that only authorised personnel have access to the personal information whatever medium (paper/electronic) it is stored in.
- Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and authorised disclosure, irrespective of the format in which it recorded.
- Ensure that personal information is not stored longer than it is required.
- Ensure that when personal information is destroyed that it is done so appropriately and securely.
- Share personal information with others only when it is legally appropriate to do so.
- Comply with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure that personal information is not transferred outside the EEA without the appropriate safeguards.
- Ensure all staff and governors are aware of and understand this policy and its procedures.

**Dealing with Sensitive Data – Staff**

- Staff must not send potentially sensitive information to the wrong parent and should seek advice immediately if this happens.
- If it is essential to take data off-site, staff must secure it in transit and in storage away from base.
- Staff need to be careful with identifying content within emails. All emails relating to pupils must be sent from school email addresses. Full names must never be used in the subject line of an email. If people/pupils are named, it becomes specific to them and they can ask to see it. When seeking advice it is better, where possible, to refer a pupil in a year group rather than name a specific person/pupil.
- Sensitive data includes information about child protection, medical information, SEN, finance, personnel data. It is advisable to encrypt sensitive data.
- When requests for copies of data are made by parents, these should be in writing. Staff must date the requests when received as a time frame must be followed. St Martin's CE (Aided) Primary School will keep an exact copy of what is provided to parents – including both redacted and non-redacted information.

**Complaints**

Complaints will be dealt with in accordance with the St Martin's CE (Aided) Primary School Complaints Policy and Procedures.

**Contacts**

If you have any enquiries in relation to this policy, please contact the Headteacher through the school office, who will also act as the contact point for any Subject Access requests.

**Privacy Notice**  
**(How we use pupil information)**

**The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Relevant medical information
- Special educational needs information
- Exclusions

**Why we collect and use this information**

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing

**The lawful basis on which we use this information**

We collect and use pupil information under the Education Act 1996 and Article 6 and Article 9 from the GDPR.

**Collecting pupil information**

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

**Storing pupil data**

We hold pupil data in line with recommendations from the local authority.

**Who we share pupil information with**

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)

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**Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

**Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

## **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the Headteacher through the school office.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## **Contact**

If you would like to discuss anything in this privacy notice, please contact the Headteacher through the school office.

**Privacy Notice**  
**(How we use school workforce information)**

**The categories of school workforce information that we collect, process, hold and share include:**

- personal information (such as name, employee or teacher number, national insurance number, address, emergency contact details, relevant medical information)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)

**Why we collect and use this information**

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid

**The lawful basis on which we process this information**

We process this information under the Education Act 1996 and Article 6 and Article 9 from the GDPR.

**Collecting this information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

**Storing this information**

We hold school workforce data in line with recommendations from the local authority.

**Who we share this information with**

We routinely share this information with:

- our local authority
- the Department for Education (DfE)

**Why we share school workforce information**

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

**Data collection requirements**

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

### **Requesting access to your personal data**

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact the Headteacher.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at

<https://ico.org.uk/concerns/>

### **Further information**

If you would like to discuss anything in this privacy notice, please contact the Headteacher.