



Data Protection Policy

May Bank Infants School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on. (See Appendix 1)

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

Personal data will be recorded, processed, transferred and made available according to the Data Protection Act 1998 which states that personal data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Kept no longer than is necessary
- Processed in accordance with the data subject's rights
- Secure
- Only transferred to others with adequate protection.

The School's legal obligations

May Bank Infants School handles and stores personal information about pupils, parents or carers, staff, governors and other individuals who come into the school. Under the Data Protection Act 1998, the school is legally obliged to protect this information and is committed to maintaining the data protection principles at all times. Therefore, the school will:

- Only collect personal information it needs for specific purposes.
- Let people know what information is held about them and what it is used for.
- Inform individuals why the information is being collected when it is collected.
- Inform individuals when their information is shared, and why and with whom it was shared.
- Ensure information is relevant, up to date and only kept for as long as it is needed.
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Share information with others only when it is legally appropriate to do so.
- Allow people to see the information that is held about them.
- Follow procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests (See Appendix 3).
- Ensure our staff are aware of and understand our policies and procedures with regard to data protection.
- Notify the Information Commissioner's Office that it processes personal information.

Informing parents and carers

In the autumn of each year, the school issues a Privacy Notice to all parents/carers which summarises the information held on pupils and how the school intends to use this information. A Privacy Notice is also issued to all staff (see Appendix 1).

Allowing individuals to see their information (Subject Access Requests)

Pupils, their parents or carers, staff and governors have the right to see the personal information which May Bank Infants School holds about them, and to correct the information if it is wrong. Under the Data Protection Act 1998, they can send a subject access request to the school (in writing or by email). Procedures for subject access requests are given in Appendix 2 to this policy. The Head teacher will be the contact point for any subject access requests.

Records Management Appendix 3 of this policy outlines the procedures in place to ensure that all records held by the school are managed appropriately.

Relationship to other policies. This policy should be read in conjunction with:

- Freedom of Information Policy - Publications Scheme
- Information Security Policy
- Acceptable User Policy
- E - Safety Policy
- Social Media Policy
- Policy on photographic and video images
- Safeguarding incorporating Child Protection Policy

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years. The policy review will be undertaken by the Head teacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact the Head teacher at office@maybank.staffs.sch.uk who will also act as the contact point for any subject access requests and contact with the Data Protection officer (DPO). Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk

APPENDIX 1



Privacy Notice

During your child's time with us, we gather and use information relating to individuals.

- Data is given to us from someone else, for example, from the Local Authority Admissions Team.
- It is created within the school.
- It is passed on from the school, for example, to the Education Authority or Department for Education.

This is known as '**personal data**'. GDPR identifies 2 types of personal data:

Special Category Personal Data

Some items of information about people are highly sensitive. GDPR specifically defines them as data relating to:

- political opinions
- racial or ethnic origin
- religious or philosophical beliefs
- trade-union membership
- health or sex life

Data relating to criminal offences is also afforded similar special protection.

Personal data

All other data items related to an individual are merely termed 'personal data'. These are data items such as an attendance mark, an email address, or an examination result.

Anything we do with an individual's personal data is known as '**processing**'.

This document sets out what personal data we hold about you; why we process that data; who we share it with and your rights in relation to your personal data.

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

The vast majority of data is given directly from you when your child joins the school or Nursery. In some circumstances, data may also be given to us from other sources. These include previous settings the child may have attended; Local Authority and other professional bodies (e.g. Police, Social Services, a Court).

The data we hold and process falls under the following categories:

- Admissions
- Attendance
- Behaviour & exclusions
- Personal identifiers, contacts and pupil characteristics

- Identity management/authentication
- Catering and Free School Meals Management
- Trips and enrichment activities (including after school clubs)
- Medical Information and administration
- Safeguarding
- Special educational needs and disabilities
- Educational assessment
- Specific funding information (nursery voucher schemes, Nursery Education Funding NEF)

Why we collect and use this information

We use the pupil data:

to keep children safe

to comply with the law and statutory obligations e.g. school census, end of key stage assessments

to support pupil learning

to monitor and report on pupil progress

to provide appropriate pastoral care

to meet the medical needs of children in the setting

to meet the educational needs of the children in the setting

to access relevant funding

to assess the quality of our services

to celebrate learning and the school

The lawful basis on which we use this information

The following demonstrates the legal basis by which we process personal data.

We are required to process some data by law and therefore we have a legal obligation to process this data as our legal basis (Legal Obligation - Article 6 (1)(c))

Where special category data is processed within this, it is processed for necessary reasons of substantial public interest Protect the vital interests - Article 9 (2)(c) and with regard to medical or occupational medicine or provision, it is processed under Article 9 (2)(h)

This is to comply with GDPR Articles 6 and 9 and includes:

- Department for Education data returns.
- The school census
- To raise or address concerns about safeguarding
- Communication with Government agencies including the Police
- To obtain funding for the school
- Information required in relation to the performance of your child.
- To make appropriate medical/occupational provision for your child

Some data is processed in order to safely and effectively run the school. In such cases the lawful basis of public task applies (Public Task - Data stored locally (school servers / spreadsheet) - Article 6 (1)(e))

and where special category data is processed the vital interest condition applies (Protect the vital interests - Article 9 (2)(c))

. This includes:

- Confirming your identity
- Communicating matters relating to the school with you
- To safeguard you, our pupils and staff
- To enable you to make payments
- To ensure the safety of people on our site
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Data processing which is neither legally essential, nor needed to run the school safely and effectively may need specific consent.

The majority of data processing we hold will not require your consent. We will always inform you if your consent is required and seek consent before any processing takes place.

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 only hold pupil data for as long as is necessary. In most aspects, 3 years from Reception to the end of Year 2 or 4 years from Nursery to the end of Year 2; at which point information is shared with the school the child attends after leaving us through secure transfer. National assessment data is received after your child leaves Year 2. This data is retained to make comparisons. This data compares groups, not individuals and therefore does not make reference to individual children. Some data is held as long as is necessary to comply with legal frameworks e.g. accident information.

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- Safeguarding agencies under statutory obligations to keep a child safe e.g. Police; First response; Social Services; Education Welfare Officer
- School Nurse
- Extended childcare services e.g. nursery provider where a child attends two settings; after school care provider.
- Pupil Services including: Speech & Language Therapist; Paediatrician; Child and Adolescent Mental Health Service; Educational Psychology; Clinical Psychology; Special Educational Needs Information service.

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.

The law does not prevent information about children being shared with specific authorities if it is for the purposes of safeguarding. Information that could be relevant to keeping a child safe will be shared so that informed decisions can be made about a child's welfare.

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: and

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 Mrs Latham (Office Manager)

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/>

APPENDIX 2



Requests for Data Access

Procedures for responding to subject access requests made under the Data Protection Act 1998

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to The Headteacher of May Bank Infants School. These can be made via the school office. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information. Checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The response time for subject access requests, once officially received, is one month. However, this will not commence until after clarification of information sought and identity checks.
5. If a request is received on the last day of term or during a school holiday, the one-month timescale will start from the day school resumes due to postal correspondence being securely retained in 'business keep-safe' for the duration of all school holidays. Emails are not monitored during a school holiday.
6. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the one-month statutory timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place, a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used, then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure. Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures, then please contact The Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone

APPENDIX 3



Retention of Records

The School recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations and to contribute to the effective overall management of the school. Records provide evidence for protecting the legal rights and interests of the school, and provide evidence for demonstrating performance and accountability. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Relationships with existing policies

Scope of the policy

This policy applies to all records created, received or maintained by staff of the school in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created or received, and then stored, in hard copy or electronically.

A small percentage of the school's records may be selected for permanent preservation as part of the institution's archives and for historical research.

Responsibilities

The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Headteacher.

The person responsible for records management in the school will give guidance about good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way. They will also monitor compliance with this policy by surveying at least annually to check if records are stored securely and can be accessed appropriately.

Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

Relationship with existing policies

This policy has been drawn up within the context of:

- Freedom of Information Policy
- Data Protection Policy
- Information Security Policy
- and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the school Retention of Records