

Data Protection Policy

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Approved By	Operational Policy
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Contents

1. Purpose	3
2. Scope	3
3. Data Protection Principles	3
4. Responsibilities	3
4.1 Responsibilities of Staff	4
5. Privacy Notice	5
6. Disclosure and sharing of Information	5
6.1 Images	5
7. Requests for access to Information	5
8. Complaints	6
9. Contact Information	6
10. Associated Policies	6
Appendix 1: Template Privacy notice for display on individual academy websites.....	7

1. Purpose

The Data Protection Act 1998 is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data.

This policy is intended to ensure that personal information is dealt with properly 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 used, recorded and stored and whether it is held in paper files or electronically.

2. Scope

This policy applies to all members of the Hamwic Trust and the Multi-Academy Trusts within the Hamwic Trust, including Jefferys Education Trust, Edwin Jones Trust, Ridings Trust and Hillary Trust. For the purposes of this policy the term "staff" means all members of staff within the Trusts above including permanent, fixed term and temporary staff. It also refers to governors, any third party representatives, agency workers, volunteers engaged with the Trust.

3. Data Protection Principles

The Data Protection Act 1998 is based on eight data protection principles, which the Trust will follow to ensure good data handling;

- 1) Personal data shall be processed fairly and lawfully
- 2) Personal data shall be obtained only for one or more specified and lawful purposes
- 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 for 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) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data
- 8) Personal data shall not be transferred to a country outside the EEA, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data

4. Responsibilities

The individual MATs are responsible for the activities of all schools in the MAT, even though some functions are delegated to School Leaders and/ or Local Governing Bodies. The MAT is the legal entity responsible for the processing of personal data by the academies within the MAT and is therefore the Data Controller (the Directors within the MAT would have overall responsibility for compliance). The MAT Board can delegate this responsibility to the School Leader in each academy for ensuring compliance with the DPA and this policy within the day-to-day operations of the academy.

The Hamwic CEO is the Data Controller for the Hamwic Trust.

The Hamwic Trust will renew the registration annually and will notify the Information Commissioners Office (ICO) of any changes,

For each academy, the School Leader will appoint a Data Protection Officer. Each academy is committed to maintaining the eight principles at all times which means the DPO will:

- Keep the Trust up to date with any changes to the way the Academy processes data
- Inform Data Subjects why they need their personal information, how they will use it and with whom it may be shared. This is known as a Privacy Notice (see Appendix 1 for a template)
- Check the quality and accuracy of the information held
- Apply the records management guidance to ensure that information is not held longer than necessary – model guidance can be found by visiting:
http://ldbsact.org/download/policies/Document%20Retention%20Schedule_Nov15.pdf
- Ensure that when information is authorised for disposal it is done appropriately
- Ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or electronically
- Only share personal information with others when it is necessary and legally appropriate to do so
- Set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection
- Arrange appropriate data protection training for staff so they are aware of their responsibilities
- Ensure staff are following the DP policy
- Ensure that new software or new services for the Academy

4.1 Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the academy/Trust in connection with their employment is accurate and up to date
- Informing the academy/Trust of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The academy/Trust cannot be held responsible for any errors unless the staff member has informed the school of such changes. If and when, as part of their responsibilities, staff collect information about other people (e.g. about a student's work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with this guidance.
- Data Security - All staff are responsible for ensuring that:
 - Any personal data that they hold is kept securely.
 - Personal information is not disclosed either orally or in writing or via web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
 - Information or data about pupils is shared with other staff as appropriate using the secure email provider. Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

5. Privacy Notice

When any information is collected about individuals they must be made aware of the following:

- The identity of the data controller, e.g. the academy;
- The purpose the information is being collected for;
- Any other purposes it may be used for;
- Who the information will or may be shared with; and
- How to contact the data controller

This must be made clear at the initial information request (see Appendix 1 for template)

6. Disclosure and sharing of Information

The academy/Trust may share data it holds with members of staff on a need to know basis, relevant parents/guardians, another school, the Trust, the Local Authority, the Department of Education, Ofsted, statutory bodies, other authorities if it is necessary in the public interest e.g. prevention of crime, health professionals and examination bodies or any other body the Academy/Trust deems appropriate. Any sharing of data will be in accordance with this policy.

If the academy/Trust receives enquiries from third parties, particularly by telephone, it is important to be careful about what data is disclosed. The following steps should be followed;

- Ensure the identity of the person making the enquiry is verified and check whether they are entitled to receive the information they have requested
- Require the third party to put their request in writing in order to verify the identify and entitlement to the data requested
- If in doubt refer the request to the Deputy Chief Executive Officer at the Hamwic Trust
- When providing information to a third party do so in accordance with the eight data protection principles and the guidance in this policy

6.1 Images

- **Websites** – where personal information, including images are placed on websites, consent will be sought from the Third Party as appropriate
- **Photographs** – Permission will be sought from the Third Party by the academy/Trust before they are used or displayed including on the academy website, prospectus, newsletter or any other such publication
- **CCTV** – Where an academy uses CCTV, it is responsible for ensuring procedures for use are in compliance with this policy

7. Requests for access to Information

Any person whose personal information is held by the Academy/Trust has a right to ask for access to this information. Any requests must be made in writing to the Academy/Trust. A non-refundable £10 fee is

payable by the Data Subject for provision of this information. A response to any such request will be dealt with within 40 calendar days from the date the request was received.

Requests that fall under the Freedom of Information Act 2000 will be dealt with in accordance with the Academy/Trust Freedom of Information policy.

More information and detailed guidance can be found by visiting www.ico.gov.uk.

8. Complaints

Complaints should be made following the Academy/Trust complaints procedure.

9. Contact Information

Data Protection Registration Numbers:

The Hamwic Trust – **ZA034030**

The Jefferys Education Trust – **ZA034028**

The Edwin Jones Trust – **ZA034017**

The Ridings Trust – **ZA186141**

The Hillary Trust – **ZA198855**

Office Address:

Hamwic Trust

Unit E, The Mill Yard

Nursling Street

Southampton

SO16 0JA

10. Associated Policies

- Freedom of Information Policy
- Complaints Procedure

Appendix 1: Template Privacy notice for display on individual academy websites

Information about pupils in schools, alternative provision, pupil referral units and children in early years settings

Data Protection Act 1998: How we use pupil information

We collect and hold personal information relating to our pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE). We use this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

This information will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information. *For pupils enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.*

[For institutions with students aged 13+]

*Once our pupils reach the age of 13, the law requires us to pass on certain information to [\[insert name of local authority or the provider of Youth Support Services in your area\]](#) who have responsibilities in relation to the education or training of 13-19 year olds. We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them. A parent/guardian can request that **only** their child's name, address and date of birth be passed to [\[insert name of local authority or the provider of Youth Support Services in your area\]](#) by informing [\[insert name of school administrator\]](#). This right is transferred to the child once he/she reaches the age 16. For more information about services for young people, please go to our local authority website [\[insert link\]](#).*

[Careers guidance – schools that pass young people's information to careers guidance services or the national careers service may wish to set out details here.]

We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. If you want to receive a copy of the information about your son/daughter that we hold, please contact:

- [\[insert name/contact details of your school administrator\]](#).

We are required, by law, to pass some information about our pupils to the Department for Education (DfE). This information will, in turn, then be made available for use by the LA.

DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are 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 level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at [\[insert relevant LA website link\]](#); or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>