

THE GILLFORD CENTRE
DATA PROTECTION POLICY

Approved by¹: _____

Date: _____

Review Date²: _____

¹ The Governing Body is free to determine how to implement. Further information is on the Information Commissioner's Office website.

² This document should be reviewed at least every two years

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THE GILLFORD CENTRE

DATA PROTECTION POLICY

1. Rationale

The Gillford Centre is committed to a policy of protecting the rights and privacy of individuals, including students, staff and others, in accordance with the DPA.

The Gillford Centre needs to process certain information about its staff, students and other individuals with whom it has a relationship for various purposes such as, but not limited to:

- the recruitment and payment of staff
- the administration of programmes of study
- the recording of a student's progress
- agreeing awards
- collecting fees
- complying with legal obligations to funding bodies and government

To comply with various legal obligations, including the obligations imposed on it by the Data Protection Act, 1998, the Gillford Centre must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

2. Associated School Policies

- Overarching Safeguarding Statement
- Child Protection Policy
- E-Safety Policy and Acceptable Use Agreements
- Health and Safety Policy
- Procedures for Using Pupils Images
- Whole School Behaviour Policy

3. Compliance

This policy applies to all management committee members, staff and students of The Gillford Centre. Any breach of this policy, or of the Act itself will be considered an offence and the school's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with the Gillford Centre, and who have access to personal information, will be expected to read and comply with this policy. It is expected that departments or individuals who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the DPA and other relevant legislation.

The Information Commissioner's Office (ICO) gives further detailed guidance and the Gillford Centre undertakes to adopt and comply with ICO guidance.

4. The Data Protection Act, 1998

This piece of legislation came into force on 1 March 2000. The DPA regulates the processing of personal data, and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request' (sample held at Appendix A). Personal data is information relating to an individual and may be in hard or soft copy (paper/ manual files; electronic records; photographs; CCTV images), and may include facts or opinions about a person.

The DPA also sets out specific rights for school students in relation to educational records held within the state education system. These rights are set out in separate education regulations 'The Education (Student Information) (England) Regulations 2000.' For more detailed information on these Regulations see the Data Protection Guide on the ICO website.

5. Responsibilities Under the DPA and Registration

The Gillford Centre will be the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data.

The Head teacher of the school is responsible for all day-to-day data protection matters, and s/he will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within the school.

The school is registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

The Head teacher is also responsible for ensuring that the school's notification is kept accurate. Details of the school's notification can be found on the ICO website.

Compliance with the legislation is the responsibility of all members of the school who process personal information.

Individuals who provide personal data to the school are responsible for ensuring that the information is accurate and up-to-date.

6. Definitions

Data Controller:	Any individual or organisation who controls personal data, in this instance the School.
Personal Data:	Data which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.
Sensitive Personal Data:	Personal data relating to an individual's race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life and criminal activities.
Relevant Filing System:	Also known as manual records i.e. a set of records which are organised by reference to the individual/their criteria and are structured in such a way as to make specific information readily accessible e.g. personnel records, microfiches.

Data Subject:	An individual who is the subject of the personal data, for example, employees, pupils, claimants etc.
Processing:	Obtaining, recording or holding data or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting, using, disclosing, disseminating, aligning, blocking, erasing or destroying the data.
Accessible Records:	Any records which are kept by the Organisation as part of a statutory duty, e.g. pupil records, housing tenancy records, social services records.
Parent:	Has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

7. Data Protection Principles

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles. In order to comply with its obligations, the Gillford Centre undertakes to:

7.1 Process personal data fairly and lawfully

The Gillford Centre will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purposes of the processing; any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

7.2 Process the data for the specific and lawful purpose for which it collected that data, and not further process the data in a manner incompatible with this purpose

The Gillford Centre will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

7.3 Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed

The Gillford Centre will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data are given by individuals, they will be destroyed immediately.

7.4 Keep personal data accurate and, where necessary, up to date

The Gillford Centre will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify the school if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of the school to ensure that any notification regarding the change is noted and acted on.

7.5 Only keep personal data for as long as is necessary

The Gillford Centre undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements. This means the Gillford Centre will undertake a regular review of the information held and implement a weeding process when, e.g. students or a member of staff leaves the school.

The Gillford Centre will dispose of any personal data in a way that protects the rights and privacy of the individual concerned. See also Section 16.

7.6 Process personal data in accordance with the rights of the data subject under the legislation

Individuals have various rights under the legislation including:

- a right to be told the nature of the information the school holds and any parties to whom this may be disclosed;
- a right to prevent processing likely to cause damage or distress;
- a right to prevent processing for purposes of direct marketing;
- a right to be informed about the mechanics of any automated decision making process that will significantly affect them;
- a right not to have significant decisions that will affect them taken solely by automated process;
- a right to sue for compensation if they suffer damage by any contravention of the legislation;
- a right to take action to rectify, block, erase, or destroy inaccurate data;
- a right to request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened;

The Gillford Centre will only process personal data in accordance with individuals' rights.

7.7 Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

The Gillford Centre will ensure that all personal data is accessible only to those who have a valid reason for using it.

The Gillford Centre will have in place appropriate security measures e.g.

- ensuring that hard copy personal data is kept in lockable filing cabinets/ cupboards with controlled access;
- keeping all personal data in a lockable room with key-controlled access;
- password protecting personal data held electronically;
- archiving personal data on disks which are then kept securely (lockable cabinet);
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not be visible except to authorised staff.

In addition the Gillford Centre will put in place appropriate measures for the deletion of personal data – manual records will be shredded or disposed of as 'confidential waste', and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal, or if that is not possible, destroyed physically.

This policy also applies to staff and students who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

7.8 Ensure that no personal data is transferred to a country or a territory outside the European Economic Area unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The Gillford Centre will not transfer data to such territories without the explicit consent of the individual.

This also applies to publishing information on the Internet – because transfer of data can include placing data on a website that can be accessed from outside the EEA – so the Gillford Centre will always seek the consent of individuals before placing any personal data (including photographs) on its website.

Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

8. Authorised Disclosures

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

These circumstances 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.
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the LA are IT liaison/data processing officers, for example in the LA, are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **need to know** the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

8.1 Legal Disclosure

A "**legal disclosure**" is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

8.2 Illegal Disclosure

An "**illegal disclosure**" is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes.

9. Publication of School Information

The Gillford Centre publishes various items which will include some personal data, e.g.

- internal telephone directory
- event information
- staff information
- lists of students

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted to internal school access only. Therefore it is The Gillford Centre's policy to offer an opportunity to opt-out of the publication of such when collecting the information.

Staff records appertaining to individual staff will remain of a confidential nature between the Head teacher and the member of staff and, where appropriate, the school Office Manager.

9.1 Email

It is the policy of the Gillford Centre to ensure that senders and recipients of email are made aware that under the DPA, and Freedom of Information legislation, the contents of email may have to be disclosed in response to a request for information. One means by which this will be communicated will be by a disclaimer on the school's email.

Under the Regulation of Investigatory Powers Act 2000, Lawful Business Practice Regulations, any email sent to or from the school may be accessed by someone other than the recipient for system management and security purposes.

9.2 CCTV

There are some CCTV systems operating within the Gillford Centre for the purpose of protecting school members and property. The Gillford Centre will only process any personal data obtained by the CCTV system in a manner which ensures compliance with the legislation.

For detailed guidance on CCTV see the ICO CoP on CCTV (held in school) and the school CCTV Procedures appended to this Policy.

9.3 Images/Photographs

Information regarding our policy for the use of pupils' images and model Parental Consent forms can be found in:

Voluntary Aided and Foundation Schools and Academies	-	KAHSC General Safety Series G21
Community and Voluntary Controlled Schools	-	CCC Safety Advice Note SAN(G)21

10. Data Integrity

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

10.1 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 twelve 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, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Management Committee for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

10.2 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. The Office Manager will check records for irrelevant data and determine what must be deleted.

10.3 Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the Office Manager to ensure that obsolete data are properly erased. See also Section 16.

11. Identification of Data

The school will ensure that all school staff, contractors working for it, and delivery partners, comply with restrictions applying to the access to, handling and storage of data classified as Protect, Restricted or higher.

All paper restricted material such as staff and pupil records are to be held in lockable storage. Child protection files are clearly marked, access is restricted to the relevant staff members and storage is in sealed envelopes, locked in the strong room.

Electronic storage of pupil data will be on a central management system, using Behaviourwatch which has restricted access.

The school recognises that under Section 7 of the Data Protection Act, data subjects have a number of rights in connection with their personal data, the main one being the right of access. Procedures are in place to deal with Subject Access Requests i.e. a written request to see all or a part of the personal data held by the data controller in connection with the data subject (details can be found in Section 10). Data subjects have the right to know: if the data controller holds personal data about them; a description of that data; the purpose for which the data is processed; the sources of that data; to whom the data may be disclosed; and a copy of all the personal data that is held about them. Under certain circumstances the data subject can also exercise rights in connection with the rectification; blocking; erasure and destruction of data.

12. Data and Computer Security

The Gillford Centre undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

12.1 Physical Security

Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the computer room. Disks and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

12.2 Logical Security

- Security software is installed on all computers containing personal data.
- The school will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them.

- All users will be given secure user names and strong passwords which must be changed regularly (also refer to e-safety policy). User names and passwords must never be shared.
- Personal data may only be accessed on machines that are securely password protected. Any device that can be used to access data must be locked if left (even for very short periods) and set to auto lock if not used for five minutes.
- All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.
- Personal data can only be stored on school equipment (this includes computers and portable storage media). Private equipment (i.e. owned by the users) must not be used.
- When personal data is stored on any portable computer system, USB stick or any other removable media:
 - the data must be encrypted and password protected;
 - the device must be password protected (many memory sticks/cards and other mobile devices cannot be password protected);
 - the device must offer approved virus and malware checking software;
 - the data must be securely deleted from the device, in line with school policy (below) once it has been transferred or its use is complete.

The school has clear policy and procedures for the automatic backing up, accessing and restoring all data held on school systems, including off-site backups. The office computers, those connected to the LA and those in the ICT room are automatically backed up daily.

12.3 Procedural Security

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Further information can be found in the school e-Safety Policy.

Overall security policy for data is determined by the head teacher and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent. The School's security policy is kept in a safe place at all times.

Any queries or concerns about security of data in the school should in the first instance be referred to head teacher.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as disciplinary matter, and serious breaches could lead to dismissal.

13. Secure transfer of data and access out of school

The school recognises that personal data may be accessed by users out of school, or transferred to the LA or other agencies. In these circumstances:

- Users may not remove or copy sensitive or personal data from the school or authorised premises without permission and unless the media is encrypted and password protected and is transported securely for storage in a secure location.
- Users must take particular care that computers or removable devices which contain personal data must not be accessed by other users (e.g. family members) when out of school.

- Users must protect all portable and mobile devices, including media, used to store and transmit personal information using approved encryption software.

14. Disposal of Data

The school will comply with the requirements for the safe destruction of personal data when it is no longer required.

The disposal of protected data, in either paper or electronic form, must be conducted in a way that makes reconstruction highly unlikely. Electronic files must be securely overwritten and other media must be shredded, incinerated or otherwise disintegrated for data.

An archiving log will be kept of all data that is disposed of. The log should include the document ID and the date of archiving.

Training & Awareness

All staff will receive data handling awareness/data protection training and will be made aware of their responsibilities, as described in this policy through:

- Induction training for new staff;
- Staff meetings/briefings/Inset;
- Day to day support and guidance from the head teacher.

15. Enquiries

Information about the school's Data Protection Policy is available from the head teacher. General information about the Data Protection Act can be obtained from the Information Commissioners Office.

This policy will be available to all employees and covered in new staff Induction Training. It will be reviewed annually, added to, or modified from time to time and may be supplemented in appropriate cases by further statements and procedures relating to the work of the particular groups of workers. It will be available to view on the Gillford Centre website.

ACCESS TO PERSONAL DATA REQUEST
(Subject Access Request – SARS)

DATA PROTECTION ACT 1998 (Section 7)

Enquirer’s Surname		Enquirer’s Forenames	
Enquirer’s Address			
Enquirer’s Postcode:			
Enquirer’s Tel No.			
Are you the person who is the subject of the records you are enquiring about (i.e. the “Data Subject”)?			YES / NO
If NO,			
Do you have parental responsibility for a child who is the “Data Subject” of the records you are enquiring about?			YES / NO
If YES,			
Name of child or children about whose personal data records you are enquiring:	<hr/> <hr/> <hr/> <hr/>		
Description of Concern / Area of Concern			
Description of Information or Topic(s) Requested (In your own words)			
Additional Information			

Please despatch Reply to: *(if different from enquirer's details as stated on this form)*

Name

Address

Postcode

DATA SUBJECT DECLARATION

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information).

Signature of "Data Subject" (or Subject's Parent) _____

Name of "Data Subject" (or Subject's Parent) (PRINTED) _____

Dated _____

PRIVACY NOTICE for the school workforce employed or otherwise engaged to work at a school**Privacy Notice - Data Protection Act 1998**

We, the Gillford Centre are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school about those employed or otherwise engaged to work at the school. This is to assist in the smooth running of the school and/or enable individuals to be paid. This personal data includes some or all of the following: identifiers such as name and National Insurance Number; characteristics such as ethnic group; employment contract and remuneration details; post "A" level qualifications; and absence information.

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 modelling and planning;
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body.

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

- the Local Authority (LA)
- the Department for Education (DfE)

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

<http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/schools/privacynotice.asp>

and

<http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>^[2]

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:

- Performance Unit
Children's Services
5 Portland Square
Carlisle
CA1 1PU
website: www.cumbria.gov.uk/childrensservices
email: ros.dean@cumbria.gov.uk
Tel: 01228 221271
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
website: <https://www.gov.uk/government/organisations/department-for-education>
email: info@education.gsi.gov.uk
Tel: 0370 000 2288

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

PRIVACY NOTICE for pupils in schools, early years' settings, alternative provision and pupil referral units

Privacy Notice - Data Protection Act 1998

We, **the Gillford Centre**, are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

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

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

Once you are aged 13 or over, we are required by law to pass on certain information to providers 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 names and addresses of you and your parent(s), and any further information relevant to the support services' role. We may also share data with post 16 providers to secure appropriate support on entry to post 16 provision.

However, parent(s) can ask that no information beyond names, addresses and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please tell the Office Manager **if you wish to opt out of this arrangement**. For more information about young people's services, please go to the National Careers Service page at <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>]

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

We are required by law to pass some information about you to the Local Authority (LA) 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 Office Manager.

If you need more information about how the LA and/or DfE store and use your information, then please go to the following websites:

<http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/schools/privacynotice.asp>

and

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

If you cannot access these websites please contact the LA and/or DfE as follows:

- Performance Unit
Children's Services
5 Portland Square
Carlisle
CA1 1PU
website: www.cumbria.gov.uk/childrensservices
email: ros.dean@cumbria.gov.uk
Tel: 01228 221271
- 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>
Tel: 0370 000 2288