



ST MICHAEL'S CATHOLIC PRIMARY ACADEMY

Data Protection Policy

Policy accepted by Governors:

Signed _____ COAC

Signed _____ Principal

Review:

St Michael's Catholic Primary Academy 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.

Academies 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. Academies also have a duty to issue a Fair Processing 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.

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

The Data Protection Act 1998 establishes eight enforceable 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;
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. 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 the European Economic Area, unless that country or territory ensures an adequate level of data protection.

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- 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;
- check the quality and the accuracy of the information it holds;
- ensure that information is not retained for longer than is necessary;
- ensure that when obsolete information is destroyed that it is done so appropriately and securely;
- 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;
- set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests;
- ensure our staff are aware of and understand our policies and procedures.

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 2 years. The policy review will be undertaken by the Principal, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact Mrs C Williams who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113

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 Academics 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) (England) Regulations 2005 (Pupil Information Regulations).

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

Actioning a subject access request

1. Requests must be made on the appropriate form and be addressed to Mrs T Davis. 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, and 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 Principal 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 school may make a charge for the provision of information, dependant upon the following:
 - Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
 - Should the information requested be personal information that does not include any information contained within educational records Academies can charge up to £10 to provide it.
 - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Principal.
5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought.
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 40 day 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 then 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 Mrs T Davis Principal.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone 0303 123 1113.

Subject Access Request Form

Data Protection Act 1998

SUBJECT ACCESS REQUEST FORM – Data Protection Act 1998

Part 1 – Person that the information relates to (the Data Subject)

Part 1 – Person that the information relates to (The Data Subject)

Title	Mr	Mrs	Miss	Ms	Other
Surname			Forename(s)		
Maiden Name/Former Names					
Date of Birth			Gender	Male	Female
Current Address					
Postcode			Telephone No.		

I enclose a copy of one of the following as proof of the identity of the data subject:

Birth Certificate Driving Licence Passport
If none of these are available please contact the School for advice on other acceptable forms of identification

Part 2 – Is the requested information about you (are you the data subject)?

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No the information is not about me (*go to Part 3*) Yes the information is about me (*go to Part 4*)

Part 3 – Person (agent) acting on behalf of the data subject

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Title	Mr	Mrs	Miss	Ms	Other
Surname			Forename(s)		
Current Address					
Postcode			Telephone No.		

What is your relationship to the data subject: <i>(e.g. parent, carer, legal representative)</i>		
Do you have legal authority to request the data subject's information?		Yes <input type="checkbox"/> No <input type="checkbox"/>
If the data subject is under 16, do you have parental responsibility for them?		Yes <input type="checkbox"/> No <input type="checkbox"/>
Please provide proof that you are legally authorised to act on the data subject's behalf in the form of:		
Letter of Authority <input type="checkbox"/>	Lasting Power of Attorney <input type="checkbox"/>	Evidence of parental responsibility <input type="checkbox"/>
<i>Other (please give details)</i>		
Please provide proof that you are the person authorised to act on behalf of the data subject by enclosing a copy of one of the following:		
Birth Certificate <input type="checkbox"/>	Driving Licence <input type="checkbox"/>	Passport <input type="checkbox"/>
If none of these are available please contact the School for advice on other acceptable forms of identification		
Part 4 – Details of Information being requested		
Part 4 – Details of Information being requested		
Please help us deal with your request quickly and efficiently by giving as much detail as possible about the information you want. If possible, restrict your request to a particular service, period of time or incident. If necessary, continue this section on a separate page.		
Information Requested:		
Information requested covers period :	From:	To:
Relevant details to help us locate the information <i>(e.g. address at the time, service or department, names of previous contacts, any file reference, etc.)</i>		
What is your relationship to the data subject: (e.g. parent, carer, legal representative)		

Part 5 – Access to the information**Part 5 – Access to the information**

By law, the School is permitted to charge a fee for this information (scale of fees are shown at the end of this form. This request will not be valid until payment is received.

Do you wish to:	View the information <input type="checkbox"/>	Be provided with a copy <input type="checkbox"/>	
Copies (if requested) to be :	Sent to the data subject <input type="checkbox"/>	Sent to you <input type="checkbox"/>	Collected <input type="checkbox"/>
Do you have any special needs when viewing the information or in what format it is provided?	No <input type="checkbox"/>	Yes – Please give details: <input type="checkbox"/>	

Part 6 - Declaration**Part 6 - Declaration**

I certify that the information provided on this form is true. I understand that the Council is obliged to confirm proof of identity' authority and that it may be necessary to obtain further information in order to comply with this subject access request.

Name (Please print)			
Signature		Date	

Warning – a person who unlawfully obtains or attempts to obtain personal information is guilty of a criminal offence and is liable to prosecution

Part 7 – Before submitting this form please check that you have:**Part 7 – Before submitting this form please check that you have:**

<input type="checkbox"/>	Enclosed proof of the identity of the person the information is about (the data subject) (see Part 1)
<input type="checkbox"/>	Enclosed proof of authority to act on behalf of the data subject (see Part 3)
<input type="checkbox"/>	Enclosed proof of your identity if acting on behalf of the data subject (see Part 3)
<input type="checkbox"/>	Given enough details for us to locate the information you want (see Part 4)
<input type="checkbox"/>	Enclosed the relevant fee (see Part 5)
<input type="checkbox"/>	Signed and dated the declaration (see Part 6)
<input type="checkbox"/>	Completed all sections (Part 3 only to be completed by a person acting on behalf of data Subject)

Fees

If a pupil or parent acting on their behalf requests makes a subject access request for personal information containing, in whole or part, the 'educational record', the amount that can be charged depends on the number of pages provided:

Number of pages	Maximum fee	Number of pages	Maximum fee
1-19	£1	100-149	£10
20-29	£2	150-199	£15
30-39	£3	200-249	£20
40-49	£4	250-299	£25
50-59	£5	300-349	£30
60-69	£6	350-399	£35
70-79	£7	400-449	£40
80-89	£8	450-499	£45
90-99	£9	500+	£50

*If a pupil or parent acting on the pupil's behalf makes a subject access request which does not include any information from the educational record, the maximum fee which can be charged is **£10.00**.*