



## **Tarporley High School and Sixth Form College**

### **Data Protection Policy**

Schools, Councils, the Department for Education (DfE) and Ofsted all process information on pupils in order to run the education system and the Department of Health (DH) and Primary Care Trusts (PCTs) process information on pupils in order to tackle health issues, and in doing so all these organisations have to comply with the Data Protection Act 1998 and, from 25th May 2018, the data protection principles as contained in the General Data Protection Regulation (GDPR) 2018. This means that the data held about pupils must only be used for specific purposes allowed by law.

**Tarporley High School and Sixth Form College** holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes contact details, assessment data (public examinations and internal tests), attendance information, characteristics such as ethnic group, special educational needs, CCTV footage (**see Appendix 3**) and any relevant medical information.

From time to time schools are required to pass on some of this data to Local Councils, the DfE and to agencies that are prescribed by law, such as Ofsted, DH and PCTs. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

The School is registered with the Information Commissioner's Office (ICO) as Data Controller, detailing the information held and its use. These details are available on the ICO's website. Also, the school issues a Privacy Notice to all parents/legal guardians which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on to (**See Appendix 1**).

The **Local Council** uses information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them. Local Councils have a duty under the Children Act 2004 to cooperate with their partners in health and youth justice to improve the wellbeing of children in their areas.

**Ofsted** uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual pupils

The **Department of Health** uses aggregate information (at school year group level) about pupils' height and weight for research and statistical purposes, to inform, influence and improve health policy and to monitor the performance of the health service as a whole. The DH will base performance management discussions with Strategic Health Authorities on aggregate information about pupils attending schools in the PCT areas to help focus local resources and to tackle obesity in the population as a whole. The Department of Health will also provide aggregate PCT level data to the Healthcare Commission for performance assessment of the health service

**Primary Care Trusts** use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them.

Information on the height and weight of individual pupils may however be provided to the child and its parents and this will require the PCTs to maintain details of pupils' names for this purpose. PCTs may also provide individual schools and Local Councils with aggregate information on pupils' height and weight.

The **Department for Education** uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to Local Councils and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school.

### **Purpose of the policy**

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 (GDPR from 25 May 2018). 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 are aware of their duties and responsibilities and should adhere 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 which we will adhere 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 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, and GDPR from 25 May 2018.**
- 7) **Personal data shall be kept secure i.e. protected by an appropriate degree of security**
- 8) **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**

Tarporley High School and Sixth Form College is committed to maintaining the above principles at all times. Therefore the school will:

- Notify the Information Commissions Office (ICO) that we process personal data and re-notify if procedures change or are amended
- Observe fully the conditions regarding the fair collection and use of information. To achieve this, we have in place and use a privacy notice, sometimes called a fair processing notice
- Meet our legal obligations to specify the purposes for which information is used
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Apply strict checks to determine the length of time information is held
- Ensure that the rights of the persons about whom information is held can be fully exercised under the Act. These include the right to be informed that processing is being undertaken, the right to access to one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information, which is regarded as wrong information
- Take appropriate technical and organisational security measures to safeguard personal information. We will review the physical security of buildings and storage systems as well as access to them. All portable electronic devices must be kept as securely as possible on and off the School's premises
- Ensure that all Disclosure and Barring Service (DBS, formerly Criminal Records Bureau) records (recruitment and vetting checks) are kept in a safe central

place and that no unnecessary certification information is kept longer than six months

- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information – see Appendix 2
- Have in place secure methods for safely disposing of all electronic and paper records
- Ensure that photographs of pupils are not included in any School publication or on the School's website without specific consent
- Ensure that biometric data concerning pupils are not obtained or used without the knowledge of the child and parents and without permission being obtained from them as appropriate
- Take care that CCTV that captures or processes images of identifiable individuals is done in line with the data protection principles
- Ensure our staff are aware of and understand our policies and procedures

Tarporley High School and Sixth Form College shall also ensure that:

- There is a named person with specific responsibility for data protection within the Tarporley High School and Sixth Form College (see data protection officer)
- All persons managing and handling personal information understand that they are contractually responsible for following good data protection practice
- All persons managing and handling personal information are trained to do so
- Anyone wanting to make enquiries about handling personal information knows what to do
- Anyone managing and handling personal information is appropriately supervised
- Queries about handling personal information are properly and courteously dealt with
- Methods of handling personal information are clearly described
- A regular review and audit is made of the way personal information is held, managed and used
- Methods of handling personal information are regularly assessed and evaluated
- Performance with handling personal information is regularly assessed and evaluated
- A breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against the members of staff concerned.

- On occasions when information is authorised for disposal, it is done appropriately

### **Data Protection Officer**

Tarporley High School and Sixth Form College has appointed the following member of staff as its Data Protection Officer (DPO):

- Mr Liam Martin, Deputy Head Teacher (Curriculum Manager)

The DPO has specific responsibility for data protection within the Tarporley High School and Sixth Form College.

In addition the following team of key personnel will support the DPO in their role and all have a key role to play in ensuring that this policy is implemented effectively:

- Mr Jonathan Hayes, Director of Finance and Operations
- Mrs Trish Threadgold, Finance Manager
- Mr Richard Greaves, Curriculum Support Manager
- Mr James Welch, Strategic ICT Manager
- Miss Pamela Zborowski, HR & Governance Manager

These officers of Academy and their deputies will ensure compliance with current legislation regarding data protection.

The Director of Finance and Operations will ensure that the academy is registered with the Information Commissioner's Office annually.

### **Complaints**

Complaints will be dealt with in accordance with the school's complaints policy.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk).

## **APPENDIX 1**



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

**Why do we collect and use pupil information?** We collect and use pupil information under the Education Act 1996. The EU general data protection regulation 2016/679 (GDPR) will take effect in May 25 2018 including Article 6 'lawfulness of processing' and Article 9 'Processing of special categories of personal data'

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>]

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

- Personal information (such as name, unique pupil number and address)
- Any relevant medical information
- Special educational needs
- Exclusions and behavioural information
- Assessment information
- Post 16 learning information
- 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)

## 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 for 6 years following a student's last entry which would be when they reach 25 years of age.

## Who do 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)
- School nurse

## 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 the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

## Youth support services

### What is different about pupils aged 13+?

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent / guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by

informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

### **Our pupils aged 16+**

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people, please visit our local authority website.

### **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 pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

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 Mr Liam Martin, the school's Data Protection Officer via:

Telephone: 01829 132558

E-mail: [DPO@tarporleyhigh.co.uk](mailto:DPO@tarporleyhigh.co.uk)

Post: Data Protection Officer, Tarporley High School and Sixth Form College, Eaton Road, Tarporley, Cheshire, CW6 0BL

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, you should raise your concern with us in the first instance or directly to 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:

Mr Liam Martin, the school's Data Protection Officer via:

Telephone: 01829 732558

E-mail: [DPO@tarporleyhigh.co.uk](mailto:DPO@tarporleyhigh.co.uk)

Post: Data Protection Officer, Tarporley High School and Sixth Form College, Eaton Road, Tarporley, Cheshire, CW6 0BL



## **PRIVACY NOTICE**

### **Privacy Notice - How we use school workforce information**

The school workforce includes all those employed to teach, or otherwise engaged to work, either on a paid, contracted or voluntary basis, at the Academy.

#### **Why we collect and use this information**

We use school workforce data to:

- enable individuals to be paid
- facilitate safe recruitment
- support effective performance management
- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- allow better financial modelling and planning

#### **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 history and proof of identity)
- 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) and relevant medical information
- qualifications (and, where relevant, subjects taught)
- photographic records

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

We process this information under the Data Protection Act 1998, and according to guidance published by the Information Commissioner's Office and the Department for Education.

Under Article 6 of the GDPR, which comes into effect from 25 May 2018, the lawful basis for processing school workforce information is to fulfil contractual obligations and other legitimate interests.

For data collection purposes (Departmental Censuses) provisions of the Education Act 1996 will be followed.

### **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 throughout your period of employment and for 6 years after the cessation of your employment.

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

### **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.

## **Our Local authority**

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

## **Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

## **Data collection requirements**

The DfE collects and processes personal data relating to those employed by schools (including 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: Mr Liam Martin, Data Protection Officer

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: Mr Liam Martin, Data Protection Officer

## **APPENDIX 2**

### **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 (Wales) 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 Data Protection Officer. 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
- 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 Data Protection Officers or their Deputies 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:
  - a. Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.

- b. Should the information requested be personal information that does not include any information contained within educational records, schools 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 Data Protection Officer or their Deputies.*
- 5) The response time for subject access requests, once officially received, is 30 calendar days (not working or school days, irrespective of school holiday periods). However the 30 days will not commence until after receipt of fees or clarification of information sought.
- 6) The Data Protection Act 1998 and GDPR 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 30 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.



## **Appendix 3**

### **CCTV - POLICY**

#### **Organisation Responsible:**

The Governing Body of Tarporley High School and Sixth Form College

#### **Data Controller:**

Tarporley High School and Sixth Form College

#### **Data Protection Officer:**

Deputy Headteacher (Curriculum Manager)

#### **Key Data Protection Staff**

Director of Finance and Operations

Curriculum Support Manager

Strategic ICT Manager

#### **Reasons for use of CCTV:**

- To monitor areas of the School for prevention or detection of crime
- Apprehending or prosecuting offenders
- Health & Safety

#### **Security:**

Recordings are kept on a hard disk on a dedicated server. They are kept for a maximum of three weeks depending on disk usage.

#### **Disclosure:**

Data may only be disclosed to third parties who intend processing the data for compatible purposes, i.e. academy Senior Managers or the Police.

If disclosure is made to a third party, the following information is to be recorded:

- The date and time at which access was allowed or the date on which disclosure was made.
- The identification of any third party who was allowed access to or to whom disclosure was made.
- The reason for allowing access or disclosure
- The extent of the information to which access was allowed or which was disclosed

If data is removed by a third party, the following information is required:

- The date and time of removal and the type of media given
- The name of the person removing the images
- The name(s) of the person(s) viewing the images. If this should include third parties, this includes the organisation of that third party
- The reason for the viewing
- The outcome, if any, of the viewing
- The date and time the images were returned to the system or secure place, if they have been retained for evidential purposes

**Equipment:**

The CCTV system is to be checked daily by the academy’s ICT Team.

**Access by Data Subject:**

This is a right, which can only be dealt with by the Data Protection Officer or their Deputies. All such requests are to be referred to the Data Protection Officer in the first instance (See Data Protection Policy).

**Enquiries**

All enquiries regarding the CCTV footage are to be referred to the Data Protection Officers.

<b>REVIEW SCHEDULE</b>		
Review Date	Reviewed by	Approved by
January 2022	JH	JL