

**Data Protection Policy**  
**and**  
**Privacy Notice**  
**Weaverham High School**



**Approved by:** Governors

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### 1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998.

This policy applies to all data, regardless of whether it is in paper or electronic format.

### 2. Legislation and guidance

This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner's Office](#).

It also takes into account provisions of the [General Data Protection Regulation](#), which is new legislation due to come into force in 2018 for Maintained Schools

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

This policy will also comply with our funding agreement and articles of association if the school becomes an Academy.

### 3. Definitions

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"><li>• Contact details</li><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious beliefs, or beliefs of a similar nature</li><li>• Where a person is a member of a trade union</li><li>• Physical and mental health</li><li>• Sexual orientation</li><li>• Whether a person has committed, or is alleged to have committed, an offence</li><li>• Criminal convictions</li></ul>
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

### 4. The data controller

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Data Protection Officer: Mr M Waters, Cheshire West and Chester

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

**Registration Number: Z4735244**

**Date Registered: 17 April 2000    Registration Expires: 16<sup>th</sup> April 2023**

**Data Controller: Weaverham High School**

**Data Protection Officer: M Waters SchoolDPO@cheshirewestandchester.gov.uk 07990786929**

## **5. Data protection principles**

The Data Protection Act 1998 along with the new GDPR 25<sup>th</sup> May 2018 is based on the following data protection principles, or rules for good data handling:

1. 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 relevant and not excessive in relation to the purpose(s) for which it is processed
4. Personal data shall be accurate and, where necessary, kept up to date
5. Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998 and GDPR May 2018
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 or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

## **6. Roles and responsibilities**

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the Headteacher (Data Protection Lead) or the Data Protection Officer: Mr M Waters DPO School Services) in the Headteacher's absence. The headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## **7. Privacy/fair processing notice.**

### **7.1 Pupils and parents**

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Personal information (such as name, unique pupil number and address)
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group language, nationality, country of birth and free school meal eligibility and special educational needs
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Exclusion/behaviour information
- Details of any medical conditions

- Additional information may be requested for administrative and health and safety reasons in relation to school trips and special events/activities

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

We use the pupil data to:

- support pupil learning
- monitor and report on pupil progress
- provide appropriate pastoral care
- assess the quality of our services
- comply with the law regarding data sharing

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

Once our pupils reach the age of 13 we are legally required to pass on certain information to Cheshire West and Chester LA and Department for Education, which has responsibilities in relation to the education or training of 13-19 year-olds. Parents or pupils if aged 16 or over, can request that only their name, address and date of birth be passed to Cheshire West and Chester LA, by informing the Data Protection Lead (Headteacher).

### **7.2 Staff**

We collect certain data from staff for a range of different purposes all of which relate to the smooth and efficient running of the school.

This data includes, but is not restricted to:

- Emergency contact information
- Car registration numbers
- Personal information (such as name, employee or teacher number, national insurance number)
- Special categories of data including characteristics information such as gender, age, ethnic group, disabilities
- Contract information (such as start dates, hours worked, post, roles and salary information)
- Work absence information (such as number of absences and reasons including Occupational Health records)
- Outcomes of any disciplinary procedures
- Qualifications (and, where relevant, subjects taught)

### **Why we collect this data?**

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies

- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the Data Protection Lead in the first instance.

## **8. Subject Access Request (SAR)**

Under the Data Protection Act 1998 and GDPR May 2018, 'Subjects' have a right to request access to information the school holds about them. This is known as a subject access request.

Subject Access Requests can be submitted verbally, in writing, either by letter, email or fax. Requests should include:

- The 'Subjects' name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 30 calendar days and up two months if requests are excessive. No charge can be made but requests can be denied if the SAR is thought to be excessive.

Persons requesting a SAR will require evidence of their ID.

Persons requesting a SAR through a third party will require written approval from the 'Subject'.

- In light of the Corona 19 virus and the effect on 2020 exams and exam results the 'Exams Office' have advised that requests for 'Teacher Submitted Grades' is acceptable. At present no decision has been made as to whether 'Rank Order' can be provided as this could result in a data breach.

## **9. Parental requests to see the educational record**

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may not be granted without the express permission of the pupil.

If parents ask for copies of information, they may be required to pay the cost of making the copies.

See Appendix 1 with regards to non resident parents

## **10. Storage of records**

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
  
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

## **11. Disposal of records**

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 and paper-based records.

Retention of records range depending on the data stored, most pupil data retention is DOB+25years. The longest retention period for pupils is for school trips which is date of trip+10years.

Other data retentions relate to health and safety regarding Controlled Substances retention for current year+40years and where a person has come in to contact with Radiation which is incident date+50years.

## **12. Training**

Our staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

## **13. Monitoring arrangements**

Data Protection Lea is responsible for monitoring and reviewing this policy.

Data Protection Officer: Mr M Waters checks that the school complies with this policy by, among other things, reviewing school records annually during the month of May.

This document will be reviewed when the General Data Protection Regulation comes into force, and then **every 2 years**.

At every review, the policy will be shared with the governing board.

#### **14. Links with other policies**

This data protection policy and privacy notice is linked to the freedom of information publication scheme.

Other school policies that this Policy relates to:

- Code of conduct policy
- Child protection policy
- Weaverham High School e-safety policy
- Weaverham High School staff IT user agreement
- Capability Policy for Schools
- Disciplinary Policy for Schools
- Standards of Conduct for Schools
- Professional
- Relationships Policy
- Confidentiality Policy

#### Appendix 1

##### The Department for Education – parental responsibility

A 'non-resident' parent is defined as a parent who is not the main day-to-day carer of the child. This is the definition given in terms of child support and confirms that even though a parent may not be present on a day-to-day basis, he/she does have parental rights and responsibilities. The Department for Education (DfE) uses the terms 'resident' and 'non-resident' parent to distinguish between parents who do and do not live with a child.

'Non-resident' parents have the right to participate in decisions relating to their child's education. This is still the case where the centre's main contact is the person with whom the child lives on a day-to-day, or more regular, basis. Unless there is a court order limiting an individual's exercise of parental responsibility, such as an order preventing the absent parent from having contact with the child, the centre and local authority staff must treat all parents equally. Those with parental responsibility have the power to make important decisions that affect their child's upbringing. Consequently, they are entitled to information about their child, such as pupil reports, and to be informed about meetings involving the child, for example, a governors' meeting on the child's exclusion.

The DfE supports the ICO's guidance that a student assumes control over their personal information from the age of 13 and can provide consent and restrict access to their information. The Data Protection Regulations 2018 (GDPR) and the Data Protection Act 2018 (the DPA 2018) also support this position.



However, even if a child does not wish to give their parents access to their information, parents are entitled to request access to, or a copy of, their child's educational record as part of their entitlement as those with parental responsibility. This entitlement applies until the child reaches the age of 18. The exception to this rule applies to information that the school could not lawfully disclose to the child themselves under the GDPR and to which the child would have no right of access (see regulation 5, The Education (Pupil Information) (England) Regulations 2005 (SI 2005/1437)).

The following example is given on the DfE website:

A non-resident parent who has limited contact with their children, contacts the school to find out how well they did in their exams. Both the children and the resident parent do not wish to share that information and they inform the school of this. The school refuses to release the information on the basis that the children are old enough to control access to their personal information. The school has therefore breached education law by failing to provide information to which the non-resident parent is entitled.

This confirms that any requests for examination information from an individual with parental responsibility – either a 'resident' or 'non-resident' parent – must be met.

Informing non-resident parents

DfE guidance (2) states:

In cases where a school does not know the whereabouts of a non-resident parent, it should make the resident parent aware that the other parent is entitled to be involved in their child's education and request that information is passed on.

If the resident parent refuses to share information with the other parent and also refuses to provide contact details so that the school can deal directly with the nonresident parent, the school can do nothing more. It should be noted, however, that the resident parent might be genuinely unaware of the non-resident parent's whereabouts.

If the non-resident parent subsequently contacts the school and requests access to information, the school should provide it to that parent direct, after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent.

Schools are not required to seek the consent of the parent with whom the child resides before either recording the contact details of the non-resident parent or sending them their child's prescribed statutory educational information. There is also no requirement for a school to request a solicitor's letter from a parent who does not live with the child, as evidence that they are a parent entitled to educational information about their child. Nor does a school need a court order directing them to provide statutory information to any parent who is entitled to it.