



Data Policy

Incorporating UK General Data Protection Regulation and Freedom of Information

Approved: Jan 2024

Next review due: Jan 2025

1. Scope and Purpose of this Policy

1.1 This policy applies to all staff and governors in the handling of data on behalf of and for Old Clee Primary Academy

1.2 This policy will be reviewed every year by the Governing Body (Personnel Committee)

1.3 Readers of this policy may also wish to refer to the Academy's E Safety Policy

2. Roles & Responsibilities

2.1 The Academy has a Data Protection and Freedom of Information Officer appointed by the Headteacher. He/she is responsible for:

- reviewing this policy for presentation to Governors;
- taking due regard for government requirements and guidelines regarding the use of data;
- policy implementation and monitoring including staff training;
- ensuring that any Freedom of Information and subject access requests are responded to appropriately;
- together with the Headteacher, responding appropriately to any data breaches in the school to ensure that the impact of such is minimised whilst maintaining an open and honest manner in informing the appropriate stakeholders of the breach.

2.2 Other staff have particular responsibilities for data handling and controls as specified in their job descriptions.

2.3 It must be emphasised however that all staff must have due regard to data policies in carrying out their day-to-day work.

3. The UK-General Data Protection Regulation (UK-GDPR) – replacing the Data Protection Act (1998)

3.1 The Academy complies with its duties under the UK-GDPR. The Academy is registered with the Information Commissioner's Office as a data controller.

3.2 Staff and governors should have due regard to the 6 principles of the Act. Data should be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

4. Data Processing Procedures

4.1 The Academy only holds the data which it deems to be necessary to: facilitate and enhance teaching and learning and pastoral care; ensure the safety of pupils and staff; and carry out appropriate administration.

4.2 An information audit map will be carried out / updated once per year. This is known as the Information Asset Register (IAR)

4.3 A Data Protection Impact Assessment (DPIA) - sometimes referred to as a Privacy Impact Assessment (PIA) will be carried out as required but particularly when planning a new initiative that may involve 'high risk' data processing

4.4 Privacy notices, as show in the Staff and Childs Privacy Notices, are reviewed annually, to inform them that the Academy holds data on them and who the Academy may share this information with. The Childs Privacy Notice will be placed on our website and our Staff Privacy Notice will be emailed to staff if/when updated.

4.5 All data that is gathered, whether relating to pupils, staff or other stakeholders, is kept as up-to-date and accurate as possible. Data collection sheets are issued to parents/carers for checking on a rolling program if required or the information is collected electronically were possible. When the Academy is informed of a change to personal data, computer and papers records are updated as soon as practical.

4.6 All staff and governors have a duty to ensure that data they hold is kept secure. Specific information regarding that can be found in the Acceptable Use Policy for Data.

4.7 The Academy follows national guidelines regarding data retention. Paper copies of personal data will be shredded when no longer needed and electronic copies deleted. Hard drives are securely wiped when being disposed of. Educational records, including but not limited to SEN records, are stored until the student is 25, and then securely disposed of, or securely transferred to their new school. Employee personnel records will be held for the length of employment plus 7 years, before being securely disposed of, with the exception of documents relating to child protection or accidents at work which may be held for longer periods.

4.8 With regards to subject access requests, whereby any pupil or member of staff may request access to his/her personal data, the school complies with the UK-GDPR and follows guidance from the Information Commissioner's Office. Access requests will be dealt with within one month of a written request being received. Photographic ID must be produced when requesting information.

4.9 Data may be shared with the Local Authority, DfE and other schools to allow the school to fulfil its statutory obligations, or to enable the transfer of information when a pupil leaves or joins the school. Details of who we share data and why are on the relevant Privacy Notice

5. The Freedom of Information Act

5.1 Old Clee Primary Academy is committed to the Freedom of Information Act (2000) and to the principles of accountability and general right of access to information, subject to legal exemptions.

5.2 Under the Act, any person has a legal right to ask for access to information held by the school. They are entitled to be told whether the school holds the information, and to receive a copy, subject to certain exemptions. Requests under the Freedom of Information Act are different to subject access requests (see section 4.8 above).

5.3 The Academy routinely makes information available to the public as defined in the Information Commissioner's Office model publication scheme. Much of this information can be found on the school website, or is otherwise available by contacting the Academy. Requests for other information will be dealt with in accordance with statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

5.4 Our process for responses to Freedom of Information requests is outlined in our Acceptable Use Policy for Data. We have a duty to respond to all requests within 20 working days (excluding school holidays).

5.5 Where information is subject to an absolute or qualified exemption under the Act, we will inform the person making the request of this, after invoking the public interest test procedures as appropriate. Any complaint made following this will be handled as per the school's complaints procedure.

5.6 The Data Protection and Freedom of Information Officer must be made aware of all Freedom of Information requests. A register of these will be kept.

6. Use of CCTV

6.1 Under the Protection of Freedoms Act 2012 the processing of personal data captured by CCTV systems (including images identifying individuals) is governed by the UK-GDPR and the Information Commissioner's Office (ICO) has issued a code of practice on compliance with legal obligations under that set of regulations.

6.2 The Academy uses CCTV equipment to provide a safer, more secure environment for pupils and staff and to prevent bullying, vandalism and theft. Essentially it is used for:

- The prevention, investigation and detection of crime.
- The apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings).
- Safeguarding public, pupil and staff safety.
- Monitoring the security of the site.

The school does not use the CCTV system for covert monitoring.

6.3 Cameras are located in those areas where the Academy has identified a need and where other solutions are ineffective. The Academy's CCTV system is used solely for purposes(s) identified above and is not used to routinely monitor staff conduct. Cameras are only used in exceptional circumstances in areas where the subject has a heightened expectation of privacy e.g. changing rooms or toilets. In these areas, the school uses increased signage in order that those under surveillance are fully aware of its use.

6.4 The CCTV system is maintained by the Academy's premises team, who periodically inspect the cameras to ensure that date and time references are accurate, clear images are recorded and that as far as possible equipment is protected from vandalism.

6.5 In areas where CCTV is used the Academy ensures that there are prominent signs in places which are clearly visible and readable

6.6 The Academy's standard CCTV cameras record visual images only and do not record sound.

6.7 The Academy has notified the Information Commissioner's Office of the purpose for which the images are used. All operators and employees with access to images are aware of the procedures that need to be followed when accessing the recorded images. All operators are trained in their responsibilities under the CCTV Policy. Access to recorded images is restricted to staff that need to have access in order to achieve the purpose of using the equipment and is password protected. All employees are aware of the restrictions in relation to access to, and disclosure of, recorded images. If the recorded footage reveals that theft or misconduct has been committed by a member of staff, this evidence may be used in a disciplinary case.

6.8 Recorded images will be stored in a way that ensures the integrity of the image and in a way that allows specific times and dates to be identified. Access to live images is restricted to reception staff, Site Manager and members of the Senior Leadership Team unless the monitor displays a scene which is in plain sight from the monitoring location.

6.9 Recorded images can only be viewed by approved staff. The recorded images are viewed only when there is suspected criminal activity, or activity which could be harmful to pupils or staff.

6.10 The school reserves the right to use images captured on CCTV where there is activity that the school cannot be expected to ignore such as criminal activity, potential gross misconduct, or behaviour which puts others at risk. The retention of recordings for evidential purposes will be authorised by the Headteacher or a member of staff to whom this authorisation has been delegated to by the Headteacher.

6.11 The school ensures that images are not retained for longer than is necessary. CCTV systems are designed to overwrite the oldest recordings after a set period.

6.12 Disclosure. Disclosure of the recorded images to third parties can only be authorised the Headteacher or a member of staff to whom this authorisation has been delegated to by the Headteacher. Disclosure will only be granted:

- If its release is fair to the individuals concerned.
- If there is an overriding legal obligation (eg information access rights).
- If it is consistent with the purpose for which the system was established.

All requests for access or for disclosure are recorded. If access or disclosure is denied, the reason is documented.

NB: Disclosure may be authorised to law enforcement agencies, even if a system was not established to prevent or detect crime, if withholding it would prejudice the prevention or detection of crime.

6.13 Subject access requests Individuals whose images are recorded have a right to view images of themselves and, unless they agree otherwise, to be provided with a copy of the images. If the school receives a request, this will be handled as per section 4.8. As a general rule, if the viewer can identify any person other than, or in addition to, the person requesting access, it will be deemed personal data and its disclosure is unlikely. Refusal to disclose images may also be appropriate where their release is likely to cause substantial and unwarranted damage to the individual, or to prevent automated decisions from being taken in relation to that individual.