

St Anthony's Catholic Primary School ("St Anthony's") Data Protection Policy

St Anthony's 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.

Schools 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. Schools 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 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;
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 (see Appendix 1 and 2 attached)
- 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 Headteacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact Mrs Day, Headteacher 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

Appendix 1

St Anthony's 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; and
2. The right of those entitled to have access to curricular and educational records as defined within The Education (Pupil Information) (England) Regulations 2005.

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 (includes email) in the format set out in Appendix 2 and be addressed to Mrs Day, Headteacher. 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 Headteacher 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 dependant upon the number of pages provided as follows:

No. of Pages	Max Fee	No. of Pages	Max Fee	No. of Pages	Max Fee	No. of Pages	Max Fee
1-19	£1	60-69	£6	150-199	£15	400-449	£40
20-29	£2	70-79	£7	200-249	£20	450-499	£45
30-39	£3	80-89	£8	250-299	£25	500+	£50
40-49	£4	90-99	£9	300-349	£30		
50-59	£5	100-149	£10	350-399	£35		

- 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 Headteacher.

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 procedure 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 the policy/procedure then please contact Mrs Day, Headteacher.

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

Appendix 2
SUBJECT ACCESS REQUEST FORM
(Guidance notes are provided on the following page)

1. Personal details

Surname: Former surname (if applicable for finding data):
Mr / Mrs / Ms / Miss: First name(s):
Present address: Postcode:
Phone number: Mobile number:
E-mail address:

If you have lived at the above address for less than two years (see guidance notes)

Previous address: Postcode:

2. Details of the information you require

3. Proof of Identification (if applicant is not known to the school)

Documents/identification supplied (*See note in guidance section*):

Please note that the above information will be recorded for administrative purposes and may be used for statistical analysis

4. Payment

Please enclose a cheque for £10 made payable to **St Anthony's Catholic Primary School**. The completed application form, fee and supporting proof of identity should be taken or sent to:

The Headteacher, St Anthony's Catholic Primary School, Etherow St., East Dulwich, SE22 0LA.

Signature (of applicant) Date

<p>For office use only: Fee: £Cheque/cash. Date request accepted Date reply required by (within 40 days of request acceptance or 15 School days for parent/carer's own child school record). Date reply sent</p>

Guidance notes

1. **Personal details:** Please complete your personal details as requested. Please tell us if you have been previously known by any other name and if you have lived at your present address for less than two years, your previous address. If you are requesting historical information then provide as many details as possible; for example, previous addresses with dates. Use a separate sheet of paper if required. Depending on data required we may need additional information such as national insurance number and date of birth.

2. **Details of the information you require:** You should give as much assistance as you can about particular areas to search so that we can give you what you require without further correspondence. You should also give any relevant reference numbers that might be used for you. These details are required to assist location of your information so you can be given a copy of everything held about you, as required by the Act.

3. **Proof of identification:** If you are not known personally to us, proof of name and address is required to ensure we only give information to the correct person. We require two original pieces of documentation, for example, a recent utility bill, bank statement (photocopies are not acceptable) showing your name and address. In some cases additional details such as a passport or photo ID driving licence may be required due to the sensitive nature of information held. Release of financial, social care or education records will normally require this additional information.

4. **Keep your documents secure:** Always send important documents by recorded / special / registered delivery as appropriate. St Anthony's cannot be held liable for items lost in the post.

5. **Payment:** Normally a search fee of £10.00 is required for each separate request. The fee is not refundable if the result of the search shows that there is no information to be supplied.

6. Please make cheques payable to **ST ANTHONY'S CATHOLIC PRIMARY SCHOOL**

If you have any questions relating to identification requirements or any other aspect of a subject access request, you can email us at:
SCHOOL@STANTHONYS.SOUTHWARK.SCH.UK