



# DATA PROJECTION POLICY

Approved by Trustees: 6<sup>th</sup> February 2017

For Review: February 2020

## **1. INTRODUCTION**

This policy is required by law. The Trust will publicise this policy on the Trust website and copies will be available in all four academies.

## **2. AIMS OF THE PLICY**

In order to operate efficiently the EXCEED ACADEMIES TRUST has to collect and use information about people. This may include current, past and prospective pupils, parents, members of the public, staff and suppliers.

The EXCEED ACADEMIES TRUST is committed to ensuring personal data is properly managed and the Data Protection Act 1998 (DPA) is complied with. The Academy will make every effort to meet its obligations under the legislation.

## **3. RATIONALE FOR THE POLICY**

This policy was informed by the Information Commissioners Office official guidance for public sector organisations concerning Data Protection in Education ([www.ico.gov.uk](http://www.ico.gov.uk)).

## **4. RELATIONSHIP TO OTHER EXCEED ACADEMIES TRUST POLICIES**

This policy relates to all the Academy policies that involve the collection and storage of information about people. There is also a separate Freedom of Information Policy and Publication Schedule.

## **5. APPLICATION OF THE POLICY**

This policy applies to all staff, Governors, Trustees, Members contractors, agents and representatives working for or on behalf of the EXCEED ACADEMIES TRUST.

This policy applies to all personal data processed by the Trust and held electronically or manually.

Images captured by individuals for personal or recreational use with a mobile phone, digital camera or camcorder are exempt from the DPA (i.e. parents are allowed to take photos of pupils in a school production).

## **6. RESPONSIBILITIES**

The Trust is the Data Controller for the purposes of the Data Protection Act and therefore the Trustees will have overall responsibility for compliance with the DPA.

The Trustees have delegated responsibility to the Headteachers in each school for ensuring compliance with the DPA and this policy within the day to day activities of the school.

The CEO will appoint a Data Protection Officer (DPO) for the Trust. The DPO is responsible for:

- notifying the Information Commissioner's Office (ICO) and renewing the Academy's registration annually.
- keeping the ICO up to date with changes in how the Academy processes data.
- obtaining consent for disclosure of Personal Data, including routine consent from parents and pupils for using photographs for general academy purposes.  
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- ensuring data protection statements are included on forms that are used to collect Personal data.
- acting as a central point of advice for staff on data protection matters.
- co-ordinating requests for personal data.
- arranging appropriate data protection training for staff.
- keeping up to date with the latest data protection legislation and guidance.
- ensuring adequate systems are in place for compliance with this policy.

## **7. DEFINITIONS**

### ***PERSONAL DATA***

Information which relates to an identifiable living individual that is processed as data. Examples would be names of staff and pupils, dates of birth, addresses, national insurance numbers, academic marks, medical information, exam results, SEN assessments and staff development reviews.

### ***SENSITIVE PERSONAL DATA***

Information that relates to race and ethnicity, political opinions, religious beliefs, membership of trade unions, physical or mental health, sexuality and criminal offences.

### ***PROCESSING DATA***

Collecting, using, disclosing, retaining, or disposing of information.

## **8. DATA PROTECTION REQUIREMENTS**

The DPA stipulates that anyone processing Personal Data must comply with eight principles of good practice. The principles require that Personal Data:-

- shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met.

- be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
- be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.
- be accurate and where necessary, kept up to date.
- not be kept for longer than is necessary for that purpose or those purposes.
- be processed in accordance with the rights of data subjects under the Act.
- be kept secure (e.g. protected by an appropriate degree of security)
- 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.

## **9. NOTIFICATION**

As required under the DPA, the Trust will ensure that the ICO is notified that the Trust is processing Personal Data and in what ways, and the Trust shall ensure that this notification is kept up to date and renewed annually.

## **10. DATA GATHERING**

Whenever the Trust collects new information about individuals (e.g. new pupil intakes) we will ensure individuals are made aware:

- that the information is being collected
- of the purpose that the information is being collected for
- of any other purposes that it may be used for
- with whom the information will or may be shared
- how to contact the Trust as the Data Controller

The Trust will only obtain relevant and necessary Personal Data for lawful purposes and will only process the data in ways which are compatible with the purpose for which it was gathered.

Data Protection statements will be included in the prospectus and on forms that are used to collect personal data.

## **11. DATA STORAGE**

Personal Data will be stored in a secure and safe manner. The following measures are taken to help ensure this:

- electronic data will be protected through secure password, encryption software and firewall systems operated by the Trust
- computer workstations in administrative areas will be positioned so that they are not visible to casual observers.

- manual Personal Data will be stored securely where it is not accessible to anyone that does not have a legitimate reason to view or process the data.
- particular attention will be paid to the need for security of Sensitive Personal Data, for example health and medical records will be kept in a locked cupboard.
- Personal Data will not be left out visible on desks.
- the physical security of Trust's buildings and storage systems will be regularly reviewed.
- Staff will be trained on this policy and related data protection procedures.

## **12. DATA CHECKING**

Systems will be put in place to ensure the Personal Data that the Trust holds is up to date and accurate. For example the Trust/Academies will ensure that parents are asked at least once a year to confirm their contact details. Any inaccuracies discovered or reported will be rectified as soon as possible.

## **13. DATA DISCLOSURE**

Personal Data will only be disclosed to organisations or individuals for whom consent has been given to receive their data, or organisations that have a legal right to receive the data without consent being given.

When requests to disclose Personal Data are received by telephone, the schools will ensure that the caller is entitled to receive the data and that they are who they say they are. In some circumstances the school may call the caller back to check the identity of the caller.

Personal Data will not be included on the website, in newsletters or to other media without consent of the individual (or his/her parents where appropriate) Routine consent may be requested from parents to avoid the need for frequent, similar requests for consent being made by the schools.

Personal Data will only be disclosed to the Police if they are able to supply a WA170 form which notifies of a specific, legitimate need to have access to specific Personal Data.

## **14. DATA SUBJECT ACCESS REQUESTS**

Any person whose Personal Data is held by the Trust is entitled, under the DPA, to ask for access to this information. The request must be in writing. The right is to view or be given a copy of the Personal Data, rather than to the whole document/system which contains the Personal Data.

There are some exceptions to the rights of access to information in certain records held by the Trust (e.g. in relation to examination scripts, legal advice).

When a request is received by a member of staff, this should be passed to the Trust's Data Protection Officer without delay. The request must be dealt with promptly; a response must be provided as soon as possible and no later than within 40 calendar days from the date the request was received.

The Trust may make a charge of £10 for responding to a request for Personal Data under the DPA and will need to confirm the requester's identity.

Parents can made data subject access requests on their child's behalf if their children are deemed too young to look after their own affairs. If a request is made by a parent for Personal Data relating to their child and the child is aged 12 years or older, written consent will need to be sought from the child before the data is disclosed to the parent.

A record will be kept of all data subject access requests made that require formal consideration.

## **15. DESTROYING DATA**

Out of date information will be discarded if no longer relevant. Personal Data will only be kept for as long as reasonably required or as directed by statutory time limits

## **16. BREACHES OF THE POLICY**

Non-compliance of this policy and data protection legislation by a member of staff is considered a disciplinary matter which, depending on the circumstances, could lead to dismissal.

## **17. MONITORING, EVALUATION AND REVIEW**

The DPO will monitor the implementation and effectiveness on this policy and report his/her evaluation to the Board of Trustees within the first year of the Trust being established and every 2 years thereafter.

## **18. COMPLAINTS**

- An individual wishing to make a complaint about anything relating to this policy should refer to the Trust's Complaints Policy
- Contact the Information Commissioner's Office on 0303 123 1113 or visit the website [www.ico.org.uk](http://www.ico.org.uk)

## **19. EQUALITY IMPACT STATEMENT**

We will do all we can to ensure that this policy does not discriminate, directly or indirectly. We shall do this through regular monitoring and evaluation of our policies. On review we shall assess and consult relevant stakeholders on the likely impact of our policies on the promotion of all aspects of equality, as laid down in the Equality Act (2010). This will include, but not necessarily be limited to: race; gender; sexual orientation; disability; ethnicity; religion; cultural beliefs and pregnancy/maternity.