

# The Minerva Learning Trust



## **DATA PROTECTION POLICY Including Freedom of Information Act and Policy**

**Minerva Learning Trust  
Bridport Primary School  
Burton Bradstock CE Primary School  
St Mary's CE Primary School  
The Sir John Colfox Academy**

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**Policy Written by**

**The Minerva Learning Trust**

**Ratified by  
The Minerva Learning Trust Board**

**9 May 2018**

**Date for Review**

**May 2021**

**Signature of Chair**

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# Data Protection Policy

## Overview

The General Data Protection Regulations (GDPR) 2018:

- Regulates the **processing** of personal data relating to **living individuals** (data subjects)
- Imposes legal obligations upon **data controllers** and **data processors** (the school)
- Provides Data Subjects with legal rights relating to how their **personal data** is processed
- Introduces **sanctions** for breaches of the Act

## Summary

- ✓ Information about the school's Data Protection Policy is available from the reception and can also be viewed on the school website.
- ✓ The school will give all data subjects the reasons for data collection, the purposes for which the data is held, the likely recipients of the data and the data subjects' right of access.
- ✓ All data subjects have a right of access to their own personal data. Such requests must be made in writing or verbally to the Headteacher.
- ✓ The school will endeavour to ensure the accuracy of the data held.
- ✓ The data held will be accurate, relevant and not excessive.
- ✓ Staff must ensure that when staff or pupil information (electronic or otherwise) is taken off site that it is kept secure at all times.
- ✓ The school will ensure that all personal data held (be it in hard copy or electronic form) is secure.

The Trust Board of the Minerva Learning Trust has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Executive Principal, Head Teacher, Trust Board and Local Governing Body of the School intend to comply fully with the requirements and principles of the GDPR (2018). All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

Definition of 'Personal Data': Can a living individual be identified from the data, or, from the data **and** other information in the possession of, or likely to come into the possession of, the school?

## **The Six Principles of the GDPR**

1. Processed lawfully, fairly and in a transparent manner
2. Collected for specified, explicit and legitimate purposes
3. Adequate, relevant and limited to what is necessary
4. Accurate and where necessary, kept up to date
5. Retained only for as long as necessary
6. Processed in an appropriate manner to maintain security

## **Enquiries**

Information about the school's Data Protection Policy is available from the office in each school and can also be viewed on the websites. General information about the GDPR can be obtained from the Information Commissioner's Office (ICO), (website [www.ico.org.uk](http://www.ico.org.uk))

## **Fair Obtaining and Processing**

The Minerva Learning Trust undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data is held, the likely recipients of the data and the data subjects' right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

"*Data subject*" means an individual who is the subject of personal data or the person to whom the information relates.

"*Parent*" has the meaning given in the Education Act 1996, and includes any person having parental responsibility or care of a child.

## **Registered Purposes**

The Data Protection registration certificate is available for inspection in each school, by appointment, at the Reception. Registered purposes covering the data held at the school are listed on the school's registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

## **Data accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their computer record will be updated as soon as is practicable.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Local Governing Body for their judgement. If the problem cannot be resolved at this stage, either

side may refer this to the Trust Board or seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

### **Data Adequacy and Relevance**

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Annually, parents are asked to update the contact information held by the school for accuracy. Also, admin staff checks any information held by the school against parental consent forms for trips.

### **Length of Time**

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of all data processors (i.e. all staff) to ensure that obsolete data is properly erased, using the 'Retention Guidelines for Schools' documentation issued by Dorset County Council.

### **Subject Access**

The Data Protection Acts extend to all data subjects a right of access to their own personal data. At the point of request, the person requesting data will be issued with a Data Subject Access Request form, explaining the process and their rights as data subjects. Where a request for subject access is received from a pupil, the school's policy is that:

- Requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

### **Processing Subject Access Requests**

Requests for access can be verbal or in writing.

When a request is made a Data Subject Access Request form will be issued.

The data subject, or parent acting on behalf of the data subject (child) fills in an Access to Personal Data form containing the date, data subject's name, the name, address and email address of the requester (if different) and the type of data required (e.g. Student Record, Personnel Record)

Data is supplied to the requester in a format the requester chooses (manually or digitally) no more than 30 days from the date of the request.

In the case of any request from a parent regarding their own child's record, access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

## Authorised Disclosures

The School will, in general, only disclose data about individuals with their consent. However, there are circumstances under which the School's authorised officer may need to disclose data without explicit consent for that occasion. These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of the child's health, safety and welfare.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Staff data disclosed to relevant authorities eg in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances, the engineer would be subject to a confidentiality clause. Personnel working on behalf of the LA are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and support staff will only be made available where the person requesting the information is a professional, legitimately working within the school who **need to know** the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything that suggests that they are, or have been, either the subject of, or at risk of, child abuse.
- The school must ensure that any 'third party' contractors handling data sign an undertaking to abide by the principles of the GDPR (2018).

A "**legal disclosure**" is the release of personal information from the computer to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An "**illegal disclosure**" is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes. It is worth noting that comments on Facebook / Twitter etc. which disclose privileged personal data would fall into the category of 'illegal disclosure'.

## Data and Computer Security

The Minerva Learning Trust undertakes to ensure security of personal data in the following ways:

### 1) Physical Security

Appropriate building security measures are in place in all schools, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the computer room. Disks, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

## **2) Electronic Security**

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files. Computer files are backed up (i.e. security copies are taken) regularly. Clearly, many documents in school contain sensitive and personal data, (for example, EHC's, annual reviews, exclusion letters). Great care must be taken when taking a copy of these documents off-site. Memory sticks containing personal and sensitive data should be encrypted and documents password-protected. Technical assistance with this is available.

## **3) Procedural Security**

- In order to be given authorised access to the computer, staff will have to undergo checks and will agree a confidentiality agreement as outlined in the Staff Code of Conduct.
- Staff should not leave their computers logged on to personal data (for example, BROMCOM) when they are not present in the room.
- All staff are trained in their Data Protection obligations and their knowledge updated as necessary.
- Computer printouts as well as source documents containing personal data are shredded before disposal, (for example, personal data recorded for school trips)
- Students' school record files should not be taken off-site except in exceptional circumstances
- Staff should avoid leaving documents containing personal and sensitive data in places easily seen by others; for example, left on desks at the end of the day

Overall, security policy for data is determined by the Trust Board and is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.

Individual members of staff can be personally liable in law under the terms of the GDPR (2018). They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as a disciplinary matter, and serious breaches could lead to dismissal.

Further details on any aspect of this policy and its implementation can be obtained from the school.

**The Minerva Learning Trust: Access to Personal Data Request (GDPR 2018)**

Please provide photographic evidence of your identity (e.g. current passport or driving license).

Enquirer's Surname.....

Enquirer's Forenames.....

Enquirer's Address .....

.....

Enquirer's Postcode .....

Enquirer's Telephone Number .....

Enquirer's Email Address .....

Are you the person who is the subject of the records you are enquiring about (i.e. the "Data Subject")?

YES / NO

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about?

YES / NO

If YES,

Name of child or children about whose personal data records you are enquiring

.....

Description of Concern / Area of Concern

.....

Description of Information or Topic(s) Requested

.....

Additional information

.....

Please dispatch to: *(if different from enquirer's details as stated on this form)*

Name.....

Address.....

Postcode.....

Email Address .....

**Member of Staff Declaration**

Name .....

Position .....

Type of identification received .....

I confirm that I have seen and verified the photographic identification provided by the data requester.

Signed .....

Date .....

**PTO for Data Subject Declaration>>>**



**Data Subject Declaration**

I request that the School search its records based on the information supplied above under Section 4 of the GDPR (2018) and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or to the Despatch Name and Address above who I have authorised to receive such information or electronically at the email address provided.)

Signature of "Data Subject" (or Subject's Parent)

.....

Name of "Data Subject" (or Subject's Parent)

(PRINTED).....

Date .....

# Freedom of Information Act (FOIA) and Policy

## What does the Act state?

*Individuals and organisations worldwide have a right of access to any recorded information that the Minerva Learning Trust holds, wherever it is, how old it is or what format it is in.*

## Why?

This is part of the 'open Government' initiative to encourage and promote transparency and accountability.

In the past, we had a choice whether we responded to requests for information or not. The Act gives a more consistent approach. We no longer have a choice about whether or not we will respond, or what information we will release – it is legislated for under the Act.

GDPR (2018) still applies when people want to see the personal information that the Minerva Learning Trust holds about them.

## Is everything available under the FOIA?

No. The exemptions are:

- national security;
- defence;
- public security;
- the prevention, investigation, detection or prosecution of criminal offences;
- other important public interests, in particular economic or financial interests, including budgetary and taxation matters, public health and security;
- the protection of judicial independence and proceedings;
- breaches of ethics in regulated professions;
- monitoring, inspection or regulatory functions connected to the exercise of official authority regarding security, defence, other important public interests or crime/ethics prevention;
- the protection of the individual, or the rights and freedoms of others; or
- the enforcement of civil law matters.

Other exemptions exist and the Minerva Learning Trust will have to apply a 'public interest' test. The balance lies in favour of disclosure.

## Dealing with requests for information under the FOIA

All requests under the FOIA should be passed to the Executive Principal or the Director of Finance.

### **Guidance for FOIA requests**

- Can be made verbally or in writing
- No reference needs to be made to the Act
- No reason has to be given for the request
- In most cases the Minerva Learning Trust has 20 working days to respond
- All requests for information have to be recorded, tracked and monitored

### **School Policy for dealing with requests for information**

- Information requested by parents should be dealt with by the school and the Headteacher or pastoral leaders.
- All other requests (such as from the media) should go through the Headteacher/Executive Principal
- If in doubt about a FOI request consult the 'Subject Access Code of Practice' published by the Information Commissioner's Office.