

Park C.P.

Park C.P School
Llay



Ysgol G.G. Y Parc
Llai

Data Protection Policy

Introduction:

Park C.P. School 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
- Ensure our staff are aware of and understand our policies and procedures

Procedures:

PARK C.P.

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.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

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; which includes email, and be addressed to the 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.
 - 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 procedures should be made in accordance with the school's Complaints 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 these policies / procedures then please contact the Headteacher.

This Policy has been equality impact assessed and is compliant with the Equality Act 2010. All protected characteristics have been considered including age, disability, gender reassignment, race, religion or belief, gender, sexual orientation, pregnancy or maternity, marriage or civil partnership, poverty and carers with no impact determined. A copy of this policy in another language (e.g. Welsh) is only available on request. (September 2020).

Adopted by the staff and ratified by the Governing Body.

For and on behalf of the Governing Body (Signed copy held in school)

Headteacher: *R L Billington*

Date: January 2021

Date for Review: Spring 2021



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YSGOL GYNRADD GYMUNEDOL Y PARC LLAI PARK COMMUNITY PRIMARY SCHOOL LLAY

MRS R BILLINGTON B.A. (Hons), Q.T.S., N.P.Q.H.

Pennaeth

Headteacher

(mailbox@park-pri.wrexham.sch.uk)

Dear Parent/Guardian,

Data Protection Details and School Information Management Systems.

When your child starts at a new school you are asked to provide information about them. Their previous school may also send their previous records to the new school. This information is kept by the school, usually on the school's computerised administration system, and then used for a variety of purposes related to the running of the school and provision of your child's education.

Personal data collected and held in this way is treated confidentially and stored securely.

Your child has certain rights relating to this information; the General Data Protection Regulation Act (2018) sets out those rights and protects individuals from misuse of the information held. In certain circumstances you, as parent/guardian, may have a right to ask for access to and a copy of personal data held about a pupil in your legal care, this is not an automatic right and each case will be considered on its own merits.

Details of the type of data held, who it is shared with and what it is used for are published by the school in a Fair Processing Notice, a copy of which is attached.

For additional information or advice contact the school.

For more information about data protection you can visit the Information Commissioner's web site at www.informationcommissioner.gov.uk

Yours sincerely,
Mrs. R. Billington,
Head teacher.

Fair Processing Notice: What the School, Local Education Authority and Government does with information it holds on Pupils.

This leaflet tells you about what the National Assembly for Wales, Wrexham Local Authority (LA) and Park C.P. School does with your or your child's personal and performance information (data).

The collection of personal information

The school collects information about pupils and their parents or legal guardians when they go to a new school, they also collect information at other times during the school year. Information is also received from other schools when pupils transfer.

The LA and National Assembly for Wales will receive information on pupils from the school normally as part of what is called the Pupil Level Annual Schools Census which takes place in January each year.

The school, LA and National Assembly for Wales receive information about exam and national curriculum assessment and test results.

The use made of this personal information.

The National Assembly for Wales uses the information collected to do research, primarily to inform educational policy changes and funding. The research is done in a way that ensures individual pupils cannot be identified. Examples of the sort of statistics produced can be viewed at www.learning.wales.gov.uk or www.wales.gov.uk/statistics.

The LA also uses the personal information collected to do research. It uses the results of the research to make decisions on policy and the funding of schools, to calculate the performance of schools and help them to set targets. The research is done in a way that ensures individual pupils cannot be identified.

The School uses the information it collects to administer the education it provides to pupils. For example:

- The provision of educational services to individuals;
- Monitoring and reporting on pupils' educational progress;
- The provision of welfare, pastoral care and health services;
- The giving of support and guidance to pupils, their parents and legal guardians;
- The organisation of educational events and trips;
- Planning and management of the school.

Organisations who may share personal information

Information held by the School, LA and the National Assembly for Wales on pupils, their parents or legal guardians may be shared with other organisations when the law allows, for example with;

- Other education and training bodies, including schools, when pupils are applying for courses, training, school transfer or seeking guidance on opportunities;
- Bodies doing research for the National Assembly for Wales, LA and schools, so long as steps are taken to keep the information secure;
- Central and local government for the planning and provision of educational services;

- Social services and other health and welfare organisations where there is a need to share information to protect and support individual pupils;
- Various regulatory bodies, such as ombudsmen and inspection authorities, where the law requires that information be passed on so that they can do their work.

Personal information held

The sort of personal information that will be held includes:

- Personal details such as name, address, date of birth, and contact details for parents and guardians;
- Information on performance in internal and national assessments and examinations;
- Information on the ethnic origin and national identity of pupils (this is used only to prepare summary statistical analyses);
- Details about pupils' immigration status (this is used only to prepare summary statistical analyses);
- Medical information needed to keep pupils safe while in the care of the school;
- Information on attendance and any disciplinary action taken;
- Information about the involvement of social services with individual pupils where this is needed for the care of the pupil.

Other information

The National Assembly for Wales, LA and school will try to ensure that information is accurate and secure. Personal information will not be sent outside the United Kingdom.

Your rights under the General Data Protection Regulations Act 2018

The General Data Protection Regulations Act 2018 gives individuals certain rights in respect of personal information held on them by any organisation. These rights include:

- The right to ask for and receive copies of the personal information held on you, although some information can sometimes be legitimately withheld;
- The right, in some circumstances, to prevent the processing of personal information if doing so will cause damage or distress;
- The right to ask for wrong information to be put right;
- The right to seek compensation if any organisation does not comply with the General Data Protection Regulations Act 2018 and you person suffer damage;
- In some circumstances a pupil's parent or legal guardian may have a right to receive a copy of personal data held about a pupil in their legal care. Such cases will be considered on an individual basis where the individual is deemed to have insufficient understanding of their rights under the Act.

You also have the right to ask the Information Commissioner, who enforces and oversees the General Data Protection Regulations Act 2018, to assess whether or not the processing of personal information is likely to comply with the provisions of the Act.

Seeking further information

For further information about the personal information collection and its' use, if you have concerns about the accuracy of personal information, or wish to exercise your rights under the General Data Protection Regulations Act 2018, you should contact;

- Your child's school on 01978 859100
- The National Assembly's data protection officer at, The National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ;
- The Information Commissioner's office help line can be contacted on 01625 545 745;
- Information is also available from www.informationcommissioner.gov.uk.