

Welton St. Mary's Church of England Primary Academy



Together we care, learn and thrive

Data Protection Policy

Written and Approved March 2024
Next review February 2027

Welton St Mary's CE Primary Academy Data Protection Policy

DATA PROTECTION POLICY

This document is a statement of the aims and principles of the Academy, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

Data Protection Registration:

Information Commissioner's Office (ICO) Registration: Z3574008
Registration Start Date: 18th March 2013
Registration Expiry Date: 17th March 2025

Introduction

Welton St. Mary's CofE Primary Academy needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Welton St. Mary's Church of England Primary Academy must comply with the Data Protection Principles which are set out in the

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

There is stronger legal protection for more sensitive information, such as:

- race
- ethnic background
- political opinions
- religious beliefs
- trade union membership
- genetics
- biometrics (where used for identification)
- health
- sexual orientation

Welton St. Mary's CofE Primary Academy and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the academy has developed this Data Protection Policy.

Status of this Policy

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the academy from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers

The academy, as a body corporate is the Data Controller under the 2018 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate **Designated Data Controller**, who would be: **Odette Thorner**. The Designated Data Controller is supported by the Headteacher and Finance and Operations Manager.

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the academy in connection with their employment is accurate and up to date.
- Informing the academy of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The academy cannot be held responsible for any errors unless the staff member has informed the academy of such changes.

If and when, as part of their responsibilities, staff collect information about other people (e.g. about a student's course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out in the academy's Data Protection Code of Practice.

Data Security

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on other removable storage media, that storage media device must itself be encrypted or password protected.

Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the academy holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the academy is doing to comply with its obligations under the 2018 Act.

This policy document and the academy's Data Protection Code of Practice address in particular the last three points above. To address the first point, the academy will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the academy holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 2018 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should request the information in writing and submit it to the Designated Data Controller.

The academy aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within one month, as required by the 2018 Act.

Subject Consent

In many cases, the academy can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 2018 Act, express consent must be obtained. Agreement to the academy processing some specified classes of personal data is a condition of acceptance of employment for staff. This includes information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The academy has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The academy has a duty of care to all staff and students and must therefore make sure that employees and those who use academy facilities do not pose a threat or danger to other users. The academy may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The academy will only use this information in the

protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

Processing Sensitive Information

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the academy is a safe place for everyone, or to operate other academy policies, such as the Sick Pay Policy or the Equal Opportunities Policy. Because this information is considered **sensitive** under the 2018 Act, staff (and students where appropriate) will be asked to give their express consent for the academy to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Publication of School Information

Certain items of information relating to academy staff will be made available via searchable directories on the public Web site, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the academy.

Retention of Data

The academy has a duty to retain some staff and student personal data for a period of time following their departure from the academy mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time.

Conclusion

Compliance with the 2018 Act is the responsibility of all members of the academy. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution

This policy was approved by Governors on 21st March 2024