



DATA PROTECTION AND HANDLING POLICY

Policy Statement

Four Acres Academy needs to collect and use certain types of personal information about the “Data Subjects” who come into contact with it in order to carry out its work. This information is gathered in order to enable Four Acres Academy to provide education and wellbeing for our pupils and other associated functions or to comply with legal requirements.

Four Acres Academy regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal. This policy is to ensure that information is collected and dealt with correctly and securely and in accordance with the Data Protection Act 1998 and other related legislation. It applies to information regardless of the way it is collected, used, recorded, stored and destroyed and irrespective of how it is stored. All staff have a responsibility to adhere to these guidelines. This policy does not seek to convey the whole legislation with regard to Data Protection, rather it seeks to acquaint its readers with the main provisions.

The Academy is registered with the Information Commissioners Officer; registration number: ZA114577 and the registration is due for renewal on 28th June each year. www.ico.org.uk

Data Protection Principles

Everyone responsible for using the personal data has to follow strict rules called ‘data protection principles’. Under the Data Protection Act 1998 the principles ensure that the information is used correctly are:

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
3. Shall be adequate, relevant and not excessive in relation to those purpose(s)
4. Shall be accurate and, where necessary, kept up to date,
5. Shall not be kept for longer than is necessary
6. Shall be processed in accordance with the rights of data subjects under the Act,
7. Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
8. Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal information.

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

- ethnic background
- political opinions
- religious beliefs
- Physical or mental health
- sexual health
- criminal records

Four Acres Academy Commitments

Four Acres Academy will through; appropriate management, strict application of criteria and adhering to controls:

- Observe fully conditions regarding the fair collection and use of information,
- Meet its legal obligations to specify the purposes for which information is used,
- Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements,
- Ensure the quality of information used,
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
 - The right to be informed that processing is being undertaken
 - The right to opt out of general mailings
 - The right of access to one’s personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase information which is regarded as wrong information)
- Take appropriate technical and organisational security measures to safeguard personal information,
- Ensure that personal information is not transferred abroad without suitable safeguards,
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
- Set out clear procedures for responding to requests for information.

Responsible Persons

The Executive Head Teacher for ensuring that registrations and systems are in place, the Safeguarding Manager is responsible for devising and reviewing systems and all staff are responsible for making sure they follow all the procedures around handing data. The Executive Head Teacher is the “Data Controller” and the Safeguarding Manager is the “Data Protection Officer”.

Legislative Requirements

The Data Protection Act 1998 controls how personal information is used by organisations, businesses or the government. The Freedom of Information Act 2000 also applies to data handling.

Associated Policies

Safeguarding, Confidentiality Policy and Procedure, Complaints Procedure and Freedom of Information Policy, Staff and Pupil Privacy Agreements

Definitions

The following list below of definitions of the technical terms we have used and is intended to aid understanding of this policy.

Data Controller – The person who (either alone or with others) decides what personal information Four Acres Academy will hold and how it will be held or used. This person is the Executive Head Teacher.

Data Protection Officer – The person(s) responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act 1998. This person is the Safeguarding Manager.

Data

The Act regulates the use of “personal data”. The Act defines the word “data” as: information which –

- (a) is being processed by means of equipment operating automatically in response to instructions given for that purpose,
- (b) is recorded with the intention that it should be processed by means of such equipment,
- (c) is recorded as part of a “relevant filing system” or with the intention that it should form part of a relevant filing system,
- (d) does not fall within paragraph (a), (b) or (c) but forms part of an “accessible record” as defined by section 68, or
- (e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

Paragraphs (a) and (b) make it clear that information that is held on computer, or is intended to be held on computer, is data. So data is also information recorded on paper if you intend to put it on computer.

“Relevant filing system” (referred to in paragraph (c) of the definition) is defined in the Act as:

any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible.

“Accessible record” (referred to in paragraph (d) of the definition) means:

- a health record that consists of information about the physical or mental health or condition of an individual, made by or on behalf of a health professional (another term defined in the Act) in connection with the care of that individual;
- an educational record that consists of information about a pupil, which is held by a local education authority or special school (see Schedule 11 of the Act for full details);

Processing of Data

“Processing”, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including –

- (a) organisation, adaptation or alteration of the information or data,
- (b) retrieval, consultation or use of the information or data,
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available, or
- (d) alignment, combination, blocking, erasure or destruction of the information or data.

Sharing of Data

Four Acres Academy may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Four Acres Academy to disclose data (including sensitive data) without the data subject’s consent. These are:

1. Carrying out a legal duty or as authorised by the Secretary of State
2. Protecting vital interests of a Data Subject or other person

3. The Data Subject has already made the information public
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights
5. Monitoring for equal opportunities purposes – i.e. race, disability or religion
6. Providing a confidential service where the Data Subject’s consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Storage of Data

Information and records relating to service users will be stored securely and will only be accessible to authorised staff within the Academy and Children’s Centre and the statutory services we work with.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

It is Four Acres Academy’s responsibility and to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Security of Data

IT security systems are in place at the Academy and have been set up by two outsourced contractors.

Physical security systems are in place including deadlocks, alarms, CCTV and computer hardware locks. All visitors are signed in and out of the building and accompanied on site.

Disposal of Data

The Academy will comply with the requirements for the safe destruction of personal data when it is no longer required.

Transfer of Data

The Academy recognizes that personal data may be accessed by users out of the Academy or transferred to the LA or other agencies. In these circumstances:

Users may not remove or copy sensitive or restricted or protected personal data from the school or authorized premises without permission and unless the media is encrypted and password protected and is transported securely for storage in a secure location. Failure to comply with this is subject to disciplinary and dismissal actions.

Users must take care that computers or removable devices which contain personal data must not be accessed by other users (e.g. family members) when off the Academy premises.

When restricted or personal data is required by an authorized user from outside the organisation’s premises, it is preferable that they are given temporary secure remote access to the management information system, otherwise off site requirements for encryption and passwords are applicable.

Where data is transferred to a country outside Europe, the company providing the storage must be part of the Safe Harbour Network.

When the data is stored in a location accessible from a PC not owned by the Academy, the end user must ensure that the PC has an adequate level of security and antivirus software installed.

Informed consent

When collecting data, Four Acres Academy will ensure that the Data Subject:

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

The Data Subject is deemed to have given informed consent when they have completed the consent form or someone who is a parent or guardian has given consent on their behalf.

Data Access and Accuracy

All Data Subjects have the right to access the information Four Acres Academy holds about them. Four Acres Academy will take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes. Four Acres Academy will ensure that:

- Everyone processing personal information understands that they are contractually responsible for following this policy with reflects good data protection practice,
- Everyone processing personal information is appropriately trained to do so,
- Everyone processing personal information is appropriately supervised,
- Anybody wanting to make enquiries about handling personal information knows what to do,
- It deals promptly and courteously with any enquiries about handling personal information, It describes clearly how it handles personal information
- It will regularly review and audit the ways it hold, manage and use personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

Provided that there is sufficient information to process the request, an entry will be made in the Subject Access Log Book showing the date of the receipt, the data subject’s name, the name and address of the requester, the type of data required and the planned date that the information will be supplied (normally

not more than 40 days from the date the request is received). Should further information be required then the date the additional data is received will be the start of the 40 day period.

The identity of the requestor must be established before disclosure of any information and checks must be carried out regarding proof of the relationship of the child. Evidence of identity should include at least one form of photo identity and can include a P60/P45, utility bill, birth or marriage certificate, mortgage statement or benefit payment.

With respect to a parent or carer’s request for data held on their child then the record will be provided within 15 working school days of the request in accordance with the Education (Pupil Information) Regulations 2005.

Fees

Where a subject request is made, Four Acres Academy reserves the right to charge accordingly for time, resources, postage and copying.

Fees for 2016/ 17

1-20 pages	£5
21-99 pages	£10
100 to 149 pages	£26
200 to 249 pages	£35

This policy and procedure was adopted by the Directors on: Date / /

Signed:

Director 1

Director 2

Signature:

Signature:

Date:

Date

This policy and procedure was published on: Date / / Signed:

Policy Author: Rachel Barfoot

This policy and procedure is due for revision on : Date /