



<b>Title</b>	Data Protection Policy and Privacy Notice
<b>Purpose</b>	To ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998.
<b>Relevant to</b>	Trustees, Local Governors, All Staff
<b>Responsible Officer</b>	Data Protection Officer
<b>Introduced</b>	1/2017
<b>Modification History</b>	-
<b>Related Policies</b>	Freedom of Information Publication Scheme
<b>Date due for review</b>	05/2018
<b>Relevant Governors' subcommittee for review</b>	-
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## 1. Aims

Barnet Special Education Trust (The Trust) aims to ensure that in all schools, educational provisions or settings under its control, that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998.

This policy applies to all data, regardless of whether it is in paper or electronic format.

## 2. Legislation and guidance

This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is new legislation due to come into force on 25<sup>th</sup> May 2018.

This policy complies with our funding agreement and articles of association.

## 3. Definitions

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"><li>• Contact details</li><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious beliefs, or beliefs of a similar nature</li><li>• Where a person is a member of a trade union</li><li>• Physical and mental health</li><li>• Sexual orientation</li><li>• Whether a person has committed, or is alleged to have committed, an offence</li></ul>

	<ul style="list-style-type: none"> <li>• Criminal convictions</li> </ul>
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

#### 4. The data controller

Schools, educational provisions or settings managed by the Trust process personal information relating to pupils/students, staff and visitors; therefore Barnet Special Education Trust is a data controller. Trustees currently delegate the responsibility of data controller to the Headteacher of Oak Lodge School, as Chief Executive Officer.

Oak Lodge School is registered as a data controller with the Information Commissioner's Office and renews this registration annually. (Registration Number Z6121479)

#### 5. Data protection principles

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998

- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

## **6. Roles and responsibilities**

The Trust has overall responsibility for ensuring that its schools comply with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the Headteacher, or the appointed deputy in the Headteacher's absence. The Headteacher will appoint a Data Protection Officer to ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

All staff, Trustees, Local Governors, contractors, agents or other representatives working for or on behalf of schools and other educational settings managed by the Trust are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## **7. Privacy/fair processing notice**

### **7.1 Pupils and parents**

We hold and process personal information about pupils to support teaching and learning, to provide pastoral care, to assess how schools are performing and to illustrate documentation about the educational activities of our schools and settings in our publications, including our public websites. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Data on pupil characteristics, such as ethnic group or special educational needs
- Medical health
- Education and assessment details
- Behavioural records
- Visual images, including CCTV

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

Once pupils/students reach the age of 13, we are legally required to pass on certain information to Barnet Borough Council or other local authorities, that have responsibilities in relation to the education or training of 13-19 year-olds. Parents, or pupils/students if aged 16 or over, can request that only their name, address and date of birth be passed to Barnet Borough Council or any other appropriate local authority by informing the Headteacher.

We are required by law to pass certain information about pupils/students to specified external bodies, such as the local authorities that have commissioned places in our schools and the Department for Education, so that they are able to meet their statutory obligations.

## **7.2 Employees and Contractors**

We process data relating to those we employ to work at, or otherwise engage to work at schools or settings managed by the Trust. The purpose of processing this data is to assist in the running of each school or setting, including to:

- Enable individuals to be paid
- Facilitate safe recruitment and safeguarding
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Disclosure Barring Service information (the Central Record)
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups

- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required by law to pass certain information about staff to specified external bodies, such as a local authority or the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that a Barnet Special Education Trust school holds should contact the Headteacher of the relevant school or setting.

### **7.3 Visitors**

We process data relating to visitors to schools or settings managed by the Trust. The purpose of processing this data is to promote the health, safety and wellbeing of service users;

- To inform of persons known to be on site in the event of an emergency evacuation
- To support safeguarding arrangements

Visitor's personal data may include:

- Name, company, vehicle details
- Disclosure Barring Service information (the Central Record)
- Medical information to support emergency evacuation

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

Any visitor wishing to see a copy of information about them that a Barnet Special Education Trust school holds should contact the Headteacher of the relevant school or setting.

## **8. Subject access requests**

Under the Data Protection Act 1998, pupils have a right to request access to information their school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply.

<b>Number of pages of information to be supplied</b>	<b>Maximum fee (£)</b>
1-19	1.00
20-29	2.00
30-39	3.00
40-49	4.00
50-59	5.00
60-69	6.00
70-79	7.00
80-89	8.00
90-99	9.00
100-149	10.00
150-199	15.00
200-249	20.00

250-299	25.00
300-349	30.00
350-399	35.00
400-449	40.00
450-499	45.00
500+	50.00

If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

### 9. Parental requests to see the educational record

Parents of pupils/students who attend schools controlled by academy trusts do not have an automatic right to access their child’s educational record. The school will decide on a case-by-case basis whether to grant such requests, and will bear in mind guidance issued from time to time from the Information Commissioner’s Office (the organisation that upholds information rights).

### 10. Storage of records

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information will be kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and (where appropriate) pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices that store confidential personal information
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

### **11. Disposal of records**

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

### **12. Training**

Our staff and governors are provided with data protection training as part of their induction process. A section on data protection is included within the Staff Handbook.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

### **13. The General Data Protection Regulation**

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force on 25th May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

### **14. Monitoring arrangements**

The Headteacher of each school or setting in the Trust is responsible for monitoring and reviewing this policy.

The appointed Data Protection Officer will check that their school or setting complies with this policy by, among other things, reviewing their records each term.

This document will be reviewed when the General Data Protection Regulation comes into force, and then **every 2 years**.

At every review, the policy will be shared with Trustees and local governing bodies.

### **15. Links with other policies**

This data protection policy and privacy notice is linked to the freedom of information publication scheme.