



Windsor Academy Trust

DATA PROTECTION POLICY	
Responsible Committee:	Windsor Academy Trust, Board of Directors
Date revised by Board of Directors:	December 2016
Next review date:	December 2017

DATA PROTECTION POLICY

Status and Publication

This policy is required by law. The Windsor Academy Trust (WAT) will publicise this policy on the Trust website and copies will be available in all academies.

Scope of the Policy

This policy applies to all staff, Directors, LAB members, contractors, agents and representatives working for or on behalf of the WAT.

This policy applies to all personal data processed by the WAT and held electronically or manually.

Images captured by individuals for personal or recreational use with a mobile phone, digital camera or camcorder are exempt from the DPA (ie parents are allowed to take photos of pupils in an academy production). Additionally, ensuring parents are aware of safeguarding issues when taking photographs and sharing images.

Responsibilities

The WAT is the Data Controller for the purposes of the Act and therefore the Directors have overall responsibility for compliance with the DPA.

The Directors have delegated responsibility to the Chief Executive of the Trust and the Headteachers in each Academy for ensuring compliance with the DPA and this policy within the day to day activities of the Trust's activities.

The Chief Executive and Headteacher will appoint a Data Protection Officer (DPO) for the Trust and each Academy respectively. The DPO is responsible for:

- Notifying the Information Commissioner's Office (ICO) and renewing the Academy's registration annually.
- Keeping the ICO up to date with changes in how the Academy processes data.
- Obtaining consent for disclosure of Personal Data, including routine consent from parents and pupils for using photographs for general academy purposes.
- Ensuring data protection statements are included on forms that are used to collect Personal data.
- Acting as a central point of advice for staff on data protection matters.

- Co-ordinating requests for personal data.
- Arranging appropriate data protection training for staff.
- Keeping up to date with the latest data protection legislation and guidance.
- Ensuring adequate systems are in place for compliance with this policy.

Enquiries

Information about the WAT Data Protection Policy is available from the each nominated DPO. General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 01625 545 745, website <https://www.gov.uk/data-protection/the-data-protection-act>).

Fair Obtaining and Processing

The WAT ensures each academy undertakes to obtain and process data (which include biometric data) fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are 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.

Definitions:

"Processing" means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

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

"Personal data" means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names, photographs and CCTV images be, if published in the press, Internet, media.

"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 Trust undertakes to ensure **data integrity** by the following methods:

Data accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the Academy of a change of circumstances their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the Academy 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 follow the WAT Complaints policy.

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 Trust and its Academies will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data.

Length of time

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the nominated DPO to ensure that obsolete data are properly erased.

Subject access

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the academy'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 must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form, available from the academy Office (Appendix 1). Completed forms should be submitted to the nominated DPO. 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 receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be date on which sufficient information has been provided.

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

Authorised disclosures

The trust will, in general, only disclose data about individuals with their consent. However there are circumstances under which the DPO 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 academy to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their 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 academy.

- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the IT system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the academy. Confidentiality form to be completed by outside contractors.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the academy by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the academy who **need to know** the information in order to do their work. The trust will not disclose anything on pupils' records which would reasonably be likely to cause serious harm to their physical or mental health or that of anyone else – including anything where suggests that they are, or have been, either the subject of or at risk of child abuse.

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 trust, 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 trust's registered purposes.

Data and computer security

The WAT undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed):

Physical security

Appropriate building security measures are in place, 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 academy are required to sign in and out, to wear identification badges whilst in the academy and are, where appropriate, accompanied.

Logical security

Security measures are in place so only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly.

Procedural security

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff are trained in their Data Protection obligations and their knowledge updated as necessary (via annual E-safety and Prevent training). Computer printouts as well as source documents are securely disposed.

Any queries or concerns about security of data in the Trust / Academy should in the first instance be referred to either the CEO or the Headteacher.

Individual members of staff can be personally liable in law under the terms of the Data Protection Acts. 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 disciplinary matter, and serious breaches could lead to dismissal.

Monitoring, Evaluation and Review

The DPO will monitor the implementation and effectiveness on this policy and report his/her evaluation to the CEO/Headteacher on an annual basis. The CEO/Headteacher will report back to the Board of Directors on the policy and its implementation and effectiveness every two years, who will then review the policy, making any amendments necessary

Appendix 1

(Insert Name of Academy)

Access to personal data request

Data Protection Act 1998 Section 7.

Enquirer's Surname.....

Enquirer's Forenames.....

Enquirer's Address

.....

.....

Enquirer's Postcode

Telephone Number

Are you the person who is the subject of the records you are enquiring about YES / NO (i.e. the "Data Subject")?

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the YES / NO records you are enquiring about?

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 (In your own words)

Additional information

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

Name

Address

Data subject declaration

I request that the academy search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 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/academy.

I agree that the reply period will commence when I have supplied sufficient information to enable the academy 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).

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

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

(PRINTED).....Dated

