



## DATA PROTECTION POLICY

### Including EYFS

#### Introduction

Plymouth College Preparatory School needs to collect and use certain types of information about the Data Subjects it in order to carry on our work. This personal information must be collected and dealt with appropriately– whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this under the Data Protection Act 1998.

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

**Data Controller** –Plymouth College Preparatory School decides what personal information the school will hold and how it will be held or used.

**Data Protection Act 1998** – The UK legislation that provides a framework for responsible behaviour by those using personal information.

**Data Protection Compliance Officer** – The person responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act 1998 is Mrs F Baylis, ICT and SIMS Coordinator.

**Data Subject**– The individual whose personal information is being held or processed by Plymouth College Preparatory School. This will include pupils, parents and staff and prospective pupils and staff.

**Data Processor** – The person(s) who processes personal information on the Data Controller's behalf and who is responsible for the disposal of confidential waste.  
(Mrs Learmouth)

**'Explicit' consent** – is a freely given, specific and informed agreement by a Data Subject to the processing of personal information about her/him. Explicit consent is needed for processing sensitive data

**Notification** – Notifying the Information Commissioner about the data processing activities of Plymouth College Preparatory School as certain activities may be exempt from notification.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.  
(<http://www.informationcommissioner.gov.uk>)

**Processing** – means collecting, amending, handling, storing or disclosing personal information

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about companies and agencies but applies to named persons or employees within Plymouth College Preparatory school.

**Sensitive data** – means data about:

- ❖ Racial or ethnic origin
- ❖ Political opinions
- ❖ Religious or similar beliefs
- ❖ Trade union membership
- ❖ Physical or mental health
- ❖ Sexual life
- ❖ Criminal record
- ❖ Criminal proceedings relating to a data subject's offences

### **Data Controller**

**Plymouth College Preparatory School** is the Data Controller under the Act, which means that it determines what purposes personal information held, will be used for. It is also responsible for notifying the Information Commissioner of the data held or is likely to hold, and the general purposes that this data will be used for.

### **Disclosure**

**Plymouth College Preparatory School** may share data with other agencies such as the local authority and funding bodies.

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 Plymouth College Preparatory School 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.

**Plymouth College Preparatory School 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. Plymouth College Preparatory School intends to ensure that personal information is treated lawfully and correctly.**

To this end Plymouth College Preparatory School will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

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.

**Plymouth College Preparatory School will, through appropriate management, strict application of criteria and 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 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.

## **Data collection**

### **Informed consent**

Informed consent is when

- a Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- and then gives their consent.

Plymouth College Preparatory School will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Plymouth College Preparatory School 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

## **Data Storage**

Information and records relating to service users will be stored securely and will only be accessible to authorised staff.

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

It is Plymouth College Preparatory School's responsibility 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.

## **Data access and accuracy**

All Data Subjects have the right to access the information Plymouth College Preparatory School holds about them. Plymouth College Preparatory School will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

**In addition, Plymouth College Preparatory School will ensure that:**

- 1. it has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection,**
- 2. everyone processing personal information understands that they are contractually responsible for following good data protection practice,**

- 3. everyone processing personal information is appropriately trained to do so,**
- 4. everyone processing personal information is appropriately supervised,**
- 5. anybody wanting to make enquiries about handling personal information knows what to do,**
- 6. it deals promptly and courteously with any enquiries about handling personal information,**
- 7. it describes clearly how it handles personal information,**
- 8. it will regularly review and audit the ways it holds, manage and use personal information**
- 9. it regularly assesses and evaluates its methods and performance in relation to handling personal information**
- 10.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**

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact Mrs Baylis, the Plymouth College Preparatory School Data Protection Compliance Officer.

Annex A – Privacy Notice (Employees)

Annex B – Privacy Notice (Pupils)

Annex C – Data Protection Act 1998 – A Simple Guide

Mrs F Baylis

Plymouth College Preparatory School Data Protection Compliance Officer

Next Review – January 2018 (to incorporate DPA review)

**Privacy Notice for School Employees - Data Protection Act 1998**

Plymouth College Preparatory School is the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school about those employed. This is to assist in the smooth running of the school and/or enable individuals to be paid. This personal data includes some or all of the following: identifiers such as name and National Insurance Number; characteristics such as ethnic group; employment contract and remuneration details; post "A" level qualifications; and absence information.

The collection of this information will benefit both national and local users by:

- improving the management of school workforce data across the sector;
- enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- informing the development of recruitment and retention policies;
- allowing better financial modeling and planning;
- enabling ethnicity and disability monitoring;

We are occasionally required by law to pass on some of this data to the Department for Children, Schools and Families (DCSF).

If you require more information about how the LA and/or DCSF store and use this data please go to the following websites:

- <http://www.teachernet.gov.uk/doc/13857/DCSF%20what%20we%20do%20with%20workforce%20data%20v4%20final.doc>

If you are unable to access these websites, please contact the LA or the DCSF as follows:

- Public Communications Unit  
**Department for Children, Schools and Families**  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
website: [www.dcsf.gov.uk](http://www.dcsf.gov.uk)  
email: [info@dcsf.gsi.gov.uk](mailto:info@dcsf.gsi.gov.uk)  
tel: 0870 000 2288.

We will not give information about you to anyone outside the school or LA without your consent unless the law and our rules allow us to.

### **Privacy Notice for Pupils - Data Protection Act 1998**

Plymouth College Preparatory School is the Data Controller for the purposes of the Data Protection Act. Information is collected from you, and we may receive information about you from your previous school.

This personal data and use it to:

- support your teaching and learning;
- monitor and report on your progress;
- provide appropriate pastoral care, and
- assess how well our school is doing.

This information includes

- your contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.
- We will not give information about you to anyone outside the school without your consent unless the law and our rules permit it.
- We are required by law to pass some of your information to the Local Authority (LA), and the Department for Children, Schools and Families (DCSF).
- If you want to see a copy of the information we hold and share about you then please contact Data Protection Compliance Officer, Mrs F Baylis

If you require more information about how the LA and/or DCSF store and use this data please go to the following website:

- <http://www.teachernet.gov.uk/doc/13857/DCSF%20what%20we%20do%20with%20workforce%20data%20v4%20final.doc>

DATA PROTECTION POLICY

DATA PROTECTION ACT 1998 – A SIMPLE GUIDE

The Data Protection Act gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly.

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure
- Not transferred to other countries without adequate protection

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

Should an individual or organisation feel they are being denied access to personal information, or feel their information has not been handled according to the eight principles, they are entitled to contact the Data Controller or the Information Commissioner's Office for help. (<http://www.informationcommissioner.gov.uk>)

**Definitions of Key Roles**

**Data controller (Plymouth College Preparatory School)** determines the purposes for which and the manner in which any personal data are, or are to be, processed they are required to register as the data controller, within the organisation, with the Information Commissioner (ICO). Notification is a statutory requirement

**Data Protection Compliance Officer (Mrs F Baylis)** - The Data Protection Compliance Officer advises on the implications of Data Protection law and develops the organisation privacy and data protection policies.

**Data processor** - The persons who processes personal information on a data controller's behalf and is responsible for the disposal of confidential waste.

**Data subject** the individual who is the subject of personal data.



## Compliance with the Act in Simple Terms

This short checklist will help you to understand your obligations within the Data Protection Act. Being able to answer 'yes' to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction.

- Do I really need this information about an individual? Do I know what I'm going to use it for?
- Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?
- If I'm asked to pass on personal information, would the people about whom I hold information expect me to do this?
- Am I satisfied the information is being held securely?
- Is access to personal information limited to those with a strict need to know?
- Am I sure the personal information is accurate and up to date?
- Do I delete or destroy all personal information as soon as I have no more need for it?
- Are you aware of your duties and responsibilities under the Data Protection Act, and are you putting them into practice?