

## Introduction

King Richard School collects and uses personal information about staff, students, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, the school will collect and use information as necessary to ensure that it complies with its statutory obligations.

Schools have a duty to be registered, as Data Collectors, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Our privacy notice [Privacy Notice.docx](#) summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

## Aim

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

## Scope

This policy applies to all the personal data that is held by the school and those staff, parents and students of the school. The principles that will guide our work and responsibilities for implementing them when handling personal data are set out in the responsibilities section below. Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745.

## Responsibilities

The Data Protection Act 1998 establishes eight principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept together for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection;

Responsibility:	Headteacher
Review Period:	Bi-annually
Last Review:	June 2016
FGB Approval:	14 July 2016
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It is the responsibility of the Governing Body to ensure these principles are adhered to through the setting and monitoring of this policy. King Richard School is committed to maintaining the above principles at all times. Therefore, the Headteacher will:

- Publish a privacy notice so that individuals can see why the information is being collected when it is collected;
- Inform individuals when their information is shared, and why and with whom it was shared;
- Be responsible for checking the quality and the accuracy of the information held;
- Ensure that information is not retained for longer than is necessary;
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely;
- Ensure that information is held securely and that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded;
- Share information with others only when it is legally appropriate to do so;
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests;
- Ensure our staff are aware of and understand our policies and procedures.

Staff members dealing with personal data are responsible for making sure they handle data in line with the principles and processes described in this policy and the Acceptable Use of IT Policy. They should raise any concerns they have over these matters with their line manager in the first instance.

Individuals making requests to the school about their personal data (known as subject access requests), as the 1998 act allows, are responsible for making sure they follow the procedure set out in Appendix 1. The Headteacher is responsible for making sure these requests are dealt with in line with the procedure.

Individuals making requests for data under the Freedom of Information Act 2000 should do so following the guidance offered in the Schools Freedom of Information Procedure and Publication Scheme set out in Appendix 2. The headteacher is responsible for ensuring that the school responds to these requests in line with procedure and statutory guidelines.

## Complaints

Complaints will be dealt with in accordance with the school's Complaints Procedure. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

## Monitoring and Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

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## Subject Access Requests

The Data Protection Act 1998 also allows for individuals to access their data held by a data controller, these are called subject access requests. At King Richard School these requests will be dealt with in the following ways:

1. Requests for information must be made in writing, which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to child. Evidence of identity can be established by requesting production of:
  - a. Passport
  - b. Driving licence
  - c. Utility bills with the current address
  - d. Birth/Marriage certificate
  - e. P45/P60
  - f. Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child.
4. The school may make a charge for the provision of information, dependent upon the following:
  - a. Should the information requested contain the educational record, then the amount charged will be dependent upon the number of pages provided;
  - b. Should the information requested be personal information that does not include any information contained within educational records, schools can charge up to £10 to provide it;
  - c. If the information requested is only the educational record, viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.
5. The response time for subject access requests, once officially received, is 40 days (**not working days but calendar days, irrespective of school holiday periods**). However, the 40 days will not commence until after receipt of fees or clarification of information sought.
6. The Data Protection Act 1998 allows exemptions as to the provision of some information. **Therefore, all information will be reviewed prior to disclosure.**

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7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information, consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.
8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil, or another, should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information, additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place, a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus, any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used, then registered/recorded mail must be used.

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## Freedom of Information Procedure and Publication Scheme

King Richard School is committed to openness and therefore makes a considerable amount of information available on its website. Furthermore, we are committed to complying with requests made under the Freedom of Information Act to provide specific information not already published. In doing this, we will work in line with the guidance provided by the Information Commissioner's Office about what we should and should not publish, the requirements of the law itself and the freedom of information guidance provided by Portsmouth City Council (<https://www.portsmouth.gov.uk/ext/the-council/freedom-of-information.aspx>).

Individuals who wish to make a request should use the table below to understand whether the information they require is already in the public domain and what other information the school holds. If the information required is not immediately accessible, individuals should write to the Headteacher (or clerk to the Governors) setting out, as specifically as possible, the information they require, making sure contact details are included.

The school will respond within 20 working days unless the information cannot be released because the request is vexatious, repeats a previous request from the same individual or where the information cannot be released under the restrictions of the Data Protection Act.

Statutory information published on the website	Other information published on the website	Other information held
<ul style="list-style-type: none"> <li>Contact information</li> <li>Policy documents e.g. Behaviour, Charging and Sex and relationships</li> <li>Admission arrangements</li> <li>Ofsted reports</li> <li>Results updates</li> <li>Pupil premium and Year 7 catch up premium information, including how money has been spent</li> <li>The local SEN offer and SEN report (including the Accessibility Plan)</li> <li>Governors' register of interests</li> <li>Curriculum overviews</li> </ul>	<ul style="list-style-type: none"> <li>Staff lists</li> <li>School expectations</li> <li>Basic school details like the school day and the calendar of events</li> <li>Extracurricular activities</li> <li>Home school agreement</li> <li>Minutes of the Governing Body and the King Richard School Trust</li> <li>The instrument of Government</li> <li>School values and ethos</li> <li>School Improvement Plan</li> <li>School news items</li> <li>Vacancies</li> <li>Equalities statement</li> <li>Other policies e.g. Safeguarding, Anti-bullying, Attendance,</li> <li>Complaints Procedure</li> <li>Homework guidance</li> <li>Pastoral information</li> <li>Careers guidance</li> <li>British values statement</li> </ul>	<ul style="list-style-type: none"> <li>School prospectus</li> <li>Further policies and school guidance procedures e.g. marking and assessment, teachers pay</li> <li>School attendance registers</li> <li>Lists of incidents and events by pupil</li> <li>Health and safety reports</li> <li>Detailed analysis of results and in-school assessments</li> <li>School demographic information</li> <li>Financial benchmarking and other financial information, including independent audits</li> <li>Premises management documents including statutory testing records</li> <li>Asset register</li> </ul>

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