



Worple

Primary School

[Worple Primary School Data Protection Policy](#)

Prepared by: SLT in consultation with Executive Head Teacher

Discussed with: Teaching Staff

Agreed with: Executive Head Teacher

To be reviewed and updated: September 2022

Introduction

Worple Primary School needs to keep certain information about its employees, students and other users to allow it to monitor data trends such as performance, achievements and health and safety. To comply with the law, information must be collected and used fairly, stored safely, and not disclosed to any other person unlawfully.

Worple Primary School must comply with the Data Protection Principles which are set out in the General Data Protection Regulations 2018.

In summary these Data protection principles state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.
- Not be transferred to a country or territory outside the European Economic Area, unless that country or territory has equivalent levels of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

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

- Ethnic background.
- Political opinions.
- Religious beliefs.
- Health.
- Sexual health.
- Criminal records.

Worple Primary School and all staff or others who process or use personal information must ensure that they follow these principles at all times.

Some of the questions you can ask yourself to ensure that the action you are taking will comply with the GDPR are:

- Do I really need this information about an individual? Do I know what I am going to use it for?
- Do the people whose information I hold know that I have it and are they likely to understand what it will be used for?
- Would any of them be surprised at what I am doing with their personal information?
- If I am asked to pass personal information on am I sure it's okay to do so under legislation? (check with the Data Controllers in school).

- Am I satisfied that the personal information I hold is secure be it on the computer or paper based?
- Is the personal data held, accurate and up to date?
- Do I delete/destroy personal information (securely) as soon as I have no need for it?
- Is access to personal information limited only to those with a strict need to know?
- Who will have access to this information if I place it on computer file or hold on a paper record?

In order to ensure that this happens, the school has developed this Data Protection Policy.

Status of this Policy

This policy does not form part of the formal contract of employment for staff, and it is a condition of employment that employees and students will abide by the rules and policies made by the School. Any failures to follow the policy can therefore result in disciplinary proceedings. Staff will however be expected to sign and comply with the E-safety staff agreement form.

The Data Controller and the Designation Data Controllers

The Governing Body is the Data Controller and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day-to-day matters.

The School currently has two Designated Data Controllers in school. These are the head of school Jim Usher and the School Business Manager Mani Jaga and we employ an external company DPO centre to act on our behalf as our DPO.

- DPO (Data Protection Officer) – Mr Nish Khanna, The DPO Centre Ltd 50 Liverpool Street London, EC2M 7PY.
- Any member of staff, student, applicant or other individual who considers that the Policy has not been followed in respect of personal data about themselves should raise the matter first in school with the appropriate Designated Data Controller, currently in school these are:
 - Head of School (Val Hurn)
 - School Business Manager (Natalie Webb)

If the matter is not sorted out sufficiently internally, then contact should be made with the schools DPO – Nish Khanna details above

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the School in connection with their employment is accurate and up to date.
- Informing the School of any changes to information they have provided, e.g. changes of address, either at the time of appointment or subsequently. The School cannot be held responsible for any errors unless the staff member has informed the School of such changes.

Student/Parent Obligations

Students/Parents must ensure that all personal data provided to the School is accurate and up to date. They must ensure that changes of address etc. are notified to the office staff.

Data Security

All staff are responsible for ensuring that:

- Any personal data held is kept securely and in line with the guidelines for staff.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some circumstances.

Personal information should:

- Be kept in a locked filing cabinet, drawer or safe.
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up.
- If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Rights to Access Information

All staff, students and other users are entitled to:

- Know what information the School holds and processes about them and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the School is doing to comply with its obligations under the GDPR regulations.
- Be able to retract information that they no longer wish to have stored unless the school has a legal obligation to retain this information.

The School, upon request, will provide all staff and students and other relevant users with a statement regarding the personal data held about them that they are required to by law. This will state all the types of data the School holds and processes about them, and the reasons for which they are processed. Requests to check this information will be sought annually to both staff and students. Parents will need to send in written notification and staff should inform the HR

Assistant of any changes to personal data held so that records can be amended.

All staff, students and parents have a right, under legislation, to access certain personal data being kept about them either on computer or in certain files. Any person who wishes to exercise this right should complete the Subject Access Request Form and submit to the schools DPO – Mr Nish Khanna, The DPO Centre Ltd 50 Liverpool Street London, EC2M 7PY

The School will not make a charge for photocopy any documentation, unless they consider the request made is not lawful and numerous requests for the same information is being requested and then guidance will be sought to see whether the non-payments term can be waived.

The School will comply with 'requests for 'access' to personal information in line with current legislation.

Subject Consent

In many cases, the School can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in current regulations, express consent must be obtained. Agreement to the School processing some specified classes of personal data is a condition of acceptance of a student onto any course, and a condition of employment for staff. This includes information about previous criminal convictions.

The School has a duty under the Children Act 1989, current Keeping Children Safe legislation and other enactments to ensure that staff are suitable for the job, and students for the courses offered. The School also has a duty of care to all staff and students and must therefore make sure employees and those who use the School facilities do not pose a threat or danger to other users.

The School may also ask for information about particular health needs, such as allergies and any disabilities and forms of medication taken, or any medical condition such as asthma or diabetes etc. The School will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency.

Therefore, the application forms that all prospective staff and students are required to complete will include a section requiring consent to process the applicant's personal data. A refusal to sign such a form will prevent the application form being processed.

Processing Sensitive Information

Sometimes, it is necessary to process information about a person's health, criminal convictions, race, and trade union membership for example. This may be to ensure that the School is a safe place for everyone, or to operate other School policies, such as a Sick Pay Policy, Absence Policy or the Equal Opportunities Policy for example. Because this information is considered sensitive under data protection regulations, staff (and students where appropriate) will be asked to give their express consent for the School to process this data. An offer of employment or a course place may be withdrawn if an individual refuse to consent to this without good reason. More information about this is available from the Designated Data Controllers.

Publication of School Information

The names of Senior Leaders and Governors of the School or any other personal data relating to employees or Governors will be published on the annual Calendar and on the public web site when any statute of law requires such data to be made public.

Certain items of information relating to school staff will be made available via searchable directories on the public web site, in order to meet the legitimate needs of parents or interested parties seeking to contact appropriate staff.

Individual Departments within the School may make additional staff available on their public web sites. It may also be the case that students enrolled on certain courses may produce web-based material containing personal data as part of their course work. Esafety Policy should be referred to for clarity.

Retention of Data

The School has a duty to retain some staff and student personal data for a period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references and academic transcripts, or for financial reasons, for example relating to pensions and taxation. Different categories of data will be retained for different periods of time. The exact details of retention periods and purposes are set out in Appendix 4 of this policy.

Conclusion

Compliance with the General Data Protection Regulations (GDPR) is the responsibility of all members of the School community. Any deliberate breach of the data protection policy may lead to disciplinary action being taken; access to School's facilities being withdrawn, or even to a criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the appropriate Designated Data Controllers.

Appendix 1

Worple Primary School
Subject Access Request Form

1. Details of the person requesting the information:

Full name: _____

Address: _____

Telephone No: _____

Fax No.: _____

Email: _____

2. Are you the Data Subject? Yes

If you are the data subject please supply evidence of your identity i.e. driving licence, birth certificate or passport and if necessary a stamped addressed envelope for returning the document. please also state your relationship to Worple Primary School.

I am a current / former member of staff

I am a current / former student

I am a current / former parent/carer

I am a current/former school Governor

I am none of the above

Please now go to question 5.

Are you the Data Subject? No

Are you acting on behalf of the Data Subject with their written authority? If so, that written authority must be enclosed. Please also state the relationship of the Data Subject at Worple Primary School,

The Data Subject is a current/former member of staff

The Data Subject is a current/former member of student

The Data Subject is none of the above

Please now go to question 3 and 4.

Subject Access Request Form – continued

3. Details of the Data Subject (if different from 1)

Full name: _____

Address: _____

Telephone No: _____

Fax No.: _____

Email: _____

4. Please describe your relationship with the Data Subject that leads you to make this request for information on their behalf.

5. If you wish to see only certain specific documents(s) for example a particular examination report, a school file etc. please describe these below.

6. If you would like a more general search, please note that the school is able to search the following sections for personal data. Please indicate the sections that you would like searched.

School student records

School student SEN records

School staff personnel file

7. Declaration

I _____, certify that the information given on this application form is true. I understand that it is necessary for the School to confirm my/the Data Subject's identity and it may be necessary for more detailed information to be obtained in order to locate the correct information.

Signed: _____

Please return the completed form to Designated Data Controller at the school address.

WORPLE PRIMARY SCHOOL

Privacy Notice - Students

Who processes your information?

Worple Primary School is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed. The Data Protection Officer is responsible for overseeing data protection within the School. Their role is to oversee and monitor the school's data protection procedures and to ensure they are compliant.

The categories of information that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address);
- National curriculum assessment results;
- Characteristics (such as ethnicity, language, nationality, country of birth, and free school meal eligibility);
- Special educational needs (SEN); or to make referrals for additional support;
- Relevant medical information and use of the medical room for injuries/illness patterns;
- Behavioural information – eg number of temporary exclusions;
- Attendance information (such as sessions attended, number of absences and absence reasons);
- Looked after children (LAC) episodes of 'being looked after' (such as important dates, information on placements etc) and actions of outcome of PEP meetings if they are relevant;
- Children classified at being at risk of significant harm or vulnerable (not meeting threshold) – All information will be stored and shared appropriately in line with current confidentiality guidelines;
- Share information with Social Services in our area; ☒ Data surrounding student attainment.

Why we collect and use this information?

Worple Primary School holds the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, Local Authority (LA) and/or the DfE. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following: ☒ Article 6 and Article 9 of the GDPR

- Education Act 1996 – Departmental Censuses this information can be found in the census guide documents on the following website
<https://www.gov.uk/education/data-collectionand-censuses-for-schools>
- Regulation 5 of The Education (Information about Individual Pupils) (England) Regulations 2013

In accordance with the above, the personal data of pupils and their families is collected and used for the following reasons:

- To support pupil learning.
- To monitor and report on pupil progress.
- To provide appropriate pastoral care.
- To assess the quality of our services.
- To comply with the law regarding data sharing.
- To safeguard pupils.

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it provided to us is on a voluntary basis. We will inform you whether you are required to provide certain information to us or if you have a choice in this.

Storing pupil data

Personal data relating to pupils at Worples Primary School and their families is stored in line with the school's Data Protection Policy.

The school does not store personal data indefinitely; data is only retained for as long as is necessary to complete the task for which it was originally collected.

Who we share pupil information with

We will not share your personal information with any third parties without your consent, unless the law allows us to do so. The school routinely shares pupil's information with;

- Schools that the pupil's attend after leaving us.
- Our local authority.
- The department for education (DfE).
- The NHS.

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information about individual pupils) (England) Regulations 2013.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collectionand-censuses-for-schools>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupildatabase-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- Conducting research or analysis.
- Producing statistics.
- Providing information, advice or guidance.

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- Who is requesting the data.
- The purpose for which it is required.
- The level and sensitivity of data requested.
- The arrangements in place to store and handle the data.

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the School Business Manager.

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress;
- Prevent processing for the purpose of direct marketing;
- Object to decisions being taken by automated means;
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the data protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact: School Business Manager – Miss Jaga or the schools Data Protection Officer – Mr N Khanna The DPO Centre Ltd
50 Liverpool Street London, EC2M 7PY, 0203 797 1289, www.dpocentre.com

Worple Primary School Staff Privacy

Notice – Staff

How we use school workforce information

Worple Primary School is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to staff and their families is to be processed. The Data Protection Officer is responsible for overseeing data protection within the School. Their role is to oversee and monitor the school's data protection procedures and to ensure they are compliant.

The categories of school workforce information that we collect, process, hold and share include:

- Personal information (such as name, address, home and mobile numbers, personal email address, employee or teacher number, national insurance number and emergency contact details).
- Special categories of data including characteristics information such as gender, age, ethnic group, disabilities, specific medical information.
- Contract information (such as start dates, hours worked, post, roles and salary information, bank/building society details).
- Work absence information (such as number of absences and reasons information regarding physical and/or mental health and holiday records).
- Qualifications, training courses attended and training record, and, where relevant, and where relevant subjects taught.
- Performance information (such as appraisals and performance reviews, performance measures including performance management/improvement plans, disciplinary or grievance records).
- Medical information to assist should a member of staff be taken ill.
- Payroll information relating to salary and variances which are shared with payroll provider, and relevant pension bodies (teachers' pension and LGPS administrators).
- Other information (such as pension arrangements and all information included in these necessary to administer them, time and attendance records, information in applications made for other posts within the school, criminal records information (including the results of disclosure and barring service DBS checks), details in references the school receives or provides to other organisations.

Why we collect and use this information

A lot of the information we have about our workforce comes from the individuals themselves. However, we may also obtain information from tax and regulatory bodies such as HMRC, previous employers, your trade union, if you are a member, the DBS, consultants and other professionals we may engage, recruitment or vetting agencies, other members of staff, students or their parents, and publicly available resources including online sources. In addition, we may obtain information from automated monitoring of our website.

We use school workforce data to:

- Enable the development of a comprehensive picture of the workforce and how it is deployed.
- Inform the development of recruitment and retention policies.
- Enable individuals to be paid correctly, to deduct tax and NI contributions.
- To check individuals are legally entitled to work in the UK.
- Administering employment contracts.
- Conducting performance reviews.
- Making decisions about salary and compensation.
- Liaising with pension providers.

The lawful basis on which we process this information

We process this information to comply with Inland Revenue regulations and EfA - Departmental Censuses) is the Education Act 1996 – this information can be found in the guide documents on the following website <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

- To enable the development of a comprehensive picture of the workforce and how it is deployed.
- To inform the development of recruitment and retention policies.
- To safeguard our pupils and other individuals.
- To ensure safe working practices.
- In the interest of ensuring equal opportunities and treatment.

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

Storing this information

We hold school workforce data in line with our retention policy, this can be found as an attachment to our Data Protection Policy.

Who we share this information with

We routinely share this information with:

- Our local authority.
- The department for education (DfE).
- Payroll provider for the processing of payroll, who in line will share information with inland revenue and pension providers, teachers' pension and LGPS, HMRC and DWP regarding statutory benefits and payments.

Why we share school workforce information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

Local Authority

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding /expenditure and the assessment educational attainment – contact details <https://www.gov.uk/contact-dfe>

We are required to share information about our staff with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Data collection requirements

The DfE collects and processes personal data relating to those employed by state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collectionand-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- Conducting research or analysis.
- Producing statistics.
- Providing information, advice or guidance.

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- Who is requesting the data.
- The purpose for which it is required.
- The level and sensitivity of data requested.
- The arrangements in place to securely store and handle the data.

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact School Business Manager – Miss Jaga or the schools Data Protection Officer – Mr N Khanna The DPO Centre Ltd 50 Liverpool Street London, EC2M 7PY, 0203 797 1289 , www.dpocentre.com

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress.
- Prevent processing for the purpose of direct marketing.
- Object to decisions being taken by automated means.
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed.
- Claim compensation for damages caused by a breach of the data protection regulations.
- Have inaccurate or incomplete personal data about them rectified.
- Have your data transferred to another organisation.

If an individual wants to exercise any of these rights or If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern in the first instance with either the Data Controller in school or our Data Protection Officer. Alternatively, you can contact the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

Further information

If you would like to discuss anything in this privacy notice, please contact:

School Business Manager – Natalie Webb or the schools Data Protection Officer – Mr N Khanna The DPO Centre Ltd 50 Liverpool Street London, EC2M 7PY, 0203 797 1289, www.dpocentre.com

Appendix 4

Minimum Retention Periods for Records Containing Personal Data

Type of Record	Minimum Retention Period	Reason for Length of Period
Personnel files including training records, notes of disciplinary and grievance hearings, and appraisal forms	6 Years from the end of employment	References and potential litigation
	Certain personal data may be held in perpetuity	Selected material will form part of the official school archive
Letters of reference	6 Years from the end of employment, by the author of the reference letter	References and potential litigation
Application forms / interview notes	At least 6 months from the date of the interviews	Time limits on litigation
Facts relating to redundancies where fewer than 20 redundancies	6 years from the date of redundancy	As above
Facts relating to redundancies where 20 or more redundancies	12 years from the date of the redundancies	Limitation Act 1980
Accident books, and records and reports of accidents	3 years after the date of the last entry	Social Security (Claims and Payments) Regulations 1979; RIDDOR 1985
Health records where reason for termination of employment is connected with health, including stress related illness	3 years	Limitation period for personal injury claims
Applicant records for those who are rejected or who decline an offer	No more than 4 months after the start of the academic year	Permits institution to handle enquires from the data subject
Student records of those not completing enrolment	Within one academic year	Permits institution to handle delayed enrolments
Student record, including, admissions, assessment, awards, attendance and conduct.	Students with safeguarding or SEN records: DOB +35 years, in case of litigation for negligence	Legal obligation – the process is necessary for legal reasons e.g. should the pupil wish to make a claim for damages Vital interest – processing necessary to protect someone’s life Legitimate interest - processing is necessary for school, legitimate interest of a third party unless there is a good reason to protect the individual’s personal data that over rides this.

	All other students with no safeguarding or SEN care plans in place – DOB of the student + 25 years, in case of litigation for negligence	Limitation period for negligence
	At least 10 years for personal and academic references	Permits institution to provide references for a reasonable length of time
	Certain personal data may be held in perpetuity	While personal and academic references may become 'stale', some data e.g. transcripts of student marks may be required throughout the student's future career. Upon the death of the data subject, data relating to him/her ceases to be personal data. Some selected material will form part of the official school archive.