



Ecclesfield  
**SCHOOL**

---

This policy will outline how the school will seek to meet its duty to comply with the key principles of the Data Protection Act and will outline the roles and responsibilities of parties in meeting that duty.

Date approved:

Signed: (Headteacher)

Signed: (Chair of committee)

# Contents

Statement of intent .....	1
Data controller .....	2
Staff responsibilities .....	2
Data security .....	2
Subject consent .....	3
Right to access information .....	3
Publication of information .....	4
Data retention .....	4
Challenges and compensation .....	5

# Statement of intent

Ecclesfield School is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the Data Protection Act 1998.

This policy will outline how the school will comply with the key principles of the Data Protection Act:

- Data must be processed fairly and lawfully.
- Data must only be acquired for one or more lawful purposes and should not be processed for other reasons.
- Data must be adequate, relevant and not excessive.
- Data must be kept accurate and up-to-date.
- Data must not be kept for longer than is necessary.
- Data must be processed in accordance with the data subject's rights.
- Appropriate measures must be taken to prevent unauthorised or unlawful access to the data and against loss, destruction or damage to data.
- Data must not be transferred to a country or territory unless it ensures an adequate level of protection for the rights of the subject.

---

## Signed by

\_\_\_\_\_

**Headteacher**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**Chair of Governors**

**Date:**

**Next review date: October 2017**

## **Data controller**

The school as the corporate body is the Data Controller.

The Trust of Ecclesfield School therefore has overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations.

The Business Manager will deal with the day-to-day matters relating to data protection.

## **Staff responsibilities**

Ecclesfield School recognises that its staff members and pupils need to know what the school does with the information it holds regarding them.

All staff members, including members of the Governing Body will receive training in their responsibilities under the Data Protection Act as part of their induction.

The Schools Data Protection Policy will be published to the website for parental access and to enable them to understand the information that the school will keep regarding their child.

Staff members and parents are responsible for checking that any information that they provide to the school in connection with their employment or in regard to a registered child is accurate and up-to-date.

The school cannot be held accountable for any errors unless the employee or parent has informed the school about such changes.

## **Data security**

Staff members of the school will ensure that personal data is secured in accordance with the provisions of the Data Protection Act by:

- Keeping the data in a secure filing cabinet, drawer or safe.
- Ensuring that computerised data is coded, encrypted or password protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- Data regarding data subjects and which is owned by the school should not be removed from the school site. Staff who wish to access information should do so by using the Virtual Desktop Image (VDI) access or the schools Managed Learning Environment (MLE).

North East Sheffield Trust -Ecclesfield School (the Trust and the School) takes its duties under the Data Protection Act seriously and any unauthorised disclosure may result in disciplinary action.

## Subject consent

The Trust and School understands that subjects have certain legal rights to their personal data, which will be respected.

- The school will not process personal data without the consent of the subject, although the processing of data will sometimes be necessary where:
  - The processing is necessary for the performance of a contract to which the subject is party or in the taking of steps with a view to entering a contract.
  - The processing is necessary for compliance with a legal obligation to which the school is subject.
  - The processing is necessary for the administration of justice, legal functions of persons or departments, or functions of a public nature exercised in the public interest.
  - Where the processing is necessary for the purposes of legitimate interests of the school, unless the decision prejudices the rights, freedoms or legitimate interests of the subject.

Staff members of the school will be working in close contact with children. Disclosure and Barring Service (DBS) checks will therefore be made a condition of employment in order to ensure that potential employees do not pose a threat or danger.

Sensitive data can only be processed with the explicit consent of the subject, including information relating to a subject's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, their sex life, or the commission of any offence.

Sensitive data will only be processed if:

- It is necessary to protect the subject's vital interests.
- It is carried out in the course of legitimate activities by a not for profit body or association with appropriate safeguards.
- It is necessary for the administration of justice or other legal purposes.
- It has been ordered by the Secretary of State.
- It is necessary to prevent fraud.
- It is necessary for medical purposes.
- It is necessary for equality reasons.
- It was made public deliberately by the data subject.

## Right to access information

All staff members, parents of registered pupils and other users are entitled to:

- Know what information the school holds and processes about them or their child and why.
- Understand how to gain access to it.
- Understand how to keep it up-to-date.

- Understand what the school is doing to comply with its obligations under the Data Protection Act.

All staff members, parents of registered pupils and other users have the right under the Data Protection Act 1998 to access certain personal data being held about them or their child.

The school aims to comply with requests for access to personal information as quickly as possible, but will ensure that it meets its duty under the Data Protection Act to provide it within 40 working days.

The school may make a charge on each occasion that access is requested.

However, the school is not obliged to provide unstructured personal data if the administrative cost is deemed to exceed the limit of £450 as contained in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations.

## **Publication of information**

The School will publish a publication scheme on its website outlining classes of information that will be made routinely available, including:

- School policies and procedures.
- Minutes of meetings.
- Annual reports.
- Financial information.
- Newsletters (including photo image relating to school activities)
- Information letters to parents
- Recruitment information

Classes of information specified in the publication scheme will be made available quickly and easily on request.

## **Data retention**

**The Data Protection Act 1998 states that data should not be kept for longer than is necessary.**

In the case of the School unrequired data will be deleted as soon as practicable.

Some educational records relating to a former pupil or employee of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

Records of DBS checks will be destroyed immediately, although the date that the check was made will be retained in the school's file.

## **Challenges and compensation**

The School understands that staff members and the parents of registered pupils have the right to prevent the processing of personal data if it is likely to cause damage or distress.

Concerns related to the processing of personal data should be raised with the [designated data controller](#).

Data subjects reserve the right to take their concerns to a court of law and will be entitled to compensation if it is judged that the school contravened the provisions of the Data Protection Act.

Individuals who are not the subject of the data, but suffer damage as a result of the contravention, are also entitled to compensation.

The school will immediately rectify, block, erase or destroy any data that a court of law judges to have contravened the requirements of the Data Protection Act.