



Ghyll Royd School and Pre-School
A foundation for life

Data Protection Policy

Policy Leader: Mr David Martin

Policy review completed by the Headteacher on

Name of Headteacher

Date to be reviewed

Summer 2020

David Martin

Summer 2022



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Ghyll Royd School and the Pre-School (Early Years Foundation Stage) is committed to safeguarding and promoting the welfare of young children and expects all staff and volunteers to share this commitment.

Ghyll Royd School and Pre-School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulation 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and 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.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

General Data Protection Regulation (GDPR) Principles

The General Data Protection Regulation establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly, lawfully and in a transparent manner in relation to individuals;
2. Personal data shall be obtained only for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

6. Personal data shall be processed in a manner that ensures appropriate security of the personal data;
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.

General Statement

The School and Pre-School is committed to maintaining the above principles at all times. Therefore we will:

- Inform individuals 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
- Check the quality and the accuracy of the information it holds
- 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 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

Complaints

Complaints will be dealt with in accordance with the School and Pre-School's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Contacts

If you have any queries in relation to this policy, please contact David Martin who will also act as the contact point for any subject access requests.

Guidance: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 5457453

Appendix 1

Ghyll Royd School and Pre-School

Procedures for responding to subject access requests made under the General Data Protection Regulation 2018.

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a subject access request

1. Requests for information can be made verbally or in writing to any member of the School. 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 the child. Evidence of identity can be established by requesting production of:
 - passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
 - 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, dependant upon the following:

- Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.
- 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.
- 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 or school 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.**

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 then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then 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.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Appendix 2 – Information Sharing

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- It is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- Not sharing it could be worse than the outcome of having shared it.

The decision would be made by the Head Teacher. The three critical criteria are: Where there is *evidence* that the child is suffering, or is at risk of suffering, significant harm.

- Where there *is reasonable cause to believe* that a child may be suffering, or at risk of suffering, significant harm.
- To *prevent* significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Procedures

Our procedure is based on the 7 golden rules for information sharing as set out in *Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)*.

1. The Data Protection Act provides a framework to ensure that personal information about living persons is shared appropriately. Our policy and procedures on information sharing provide guidance to appropriate sharing of information with external agencies.
2. We explain to families how, when and why information will be shared about them and with whom. We seek consent to share information, unless it puts the child at risk or undermines a criminal investigation.

In our setting we ensure parents:

- Receive information about our information sharing policy when starting their child in the setting and they sign a form to say that they *understand* circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult.
 - Have information about our Child Protection policy; and
 - Have information about the circumstances when information will be shared with external agencies, for example, with regard to any special needs of the child or transition to school.
3. We seek advice when there are doubts about possible significant harm to a child or others.
 - Managers contact children's social care for advice where they have doubts or are unsure.
 4. We share with consent where appropriate. We respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, we know when it is reasonable to override their wish. Guidelines for consent are part of this procedure.
 5. Managers are conversant with this and are able to advise staff accordingly. We consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well being and safety is paramount.

In our setting we:

- Record concerns and discuss these with the setting's *designated person* and/or *designated officer* for child protection matters. We record decisions made and the reasons why information will be shared and to whom; and
 - We follow the procedures for reporting concerns and record keeping.
 - Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.
 - Our Child Protection procedure and Record Keeping procedure set out how and where information should be recorded and what information should be shared with another agency when making a referral.
6. Reasons for decisions to share information, or not, are recorded.
- Provision for this is set out in our Record Keeping procedure

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden.

We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents sign a form at registration to say they understand this.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- Copies given to parents of the forms they sign.

We consider the following questions when we need to share:

- Is there legitimate purpose to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do you have consent to share?
- Is there a statutory duty or court order to share information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, are you sharing the right information in the right way?
- Have you properly recorded your decision?

If you want to see a copy of the information we hold and share about you then please contact the Headteacher.

If you require more information about how the DfE store and use your information, then please go to the following websites:

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/>

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupilsdata/thirdpartyorgs/>

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

- Communications Team
Children's Services.

Overseas House

Quay Street

Manchester

M3 3BB

Telephone: 0161 234 7246

Website: <http://www.manchester.gov.uk>

- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Website: www.education.gov.uk

email: info@education.gsi.gov.uk

Telephone: 0870 000 2288

Appendix 3

For full information on the data we collect, please read our [Privacy Notice](#).