

BOURN C of E PRIMARY ACADEMY

DATA PROTECTION POLICY FOR PERSONAL INFORMATION



Data Protection Policy (EPM Sep15)

Final Feb16

HR&PR

1. Introduction

- 1.1. Bourn Primary Academy will process personal data (which may be held on paper, electronically, or otherwise) about our staff and we recognise the need to treat it in an appropriate and lawful manner, in accordance with the Data Protection Act 1998 (DPA). The purpose of this policy is to make you aware of how we will handle your personal data.
- 1.2. Data users are obliged to comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary action.
- 1.3. The Headteacher is responsible for ensuring compliance with the DPA and this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Headteacher.

2. Definitions

- 2.1. Data is information which is stored electronically, on a computer, or in certain paper-based filing systems (e.g personnel files).
- 2.2. Data subjects for the purpose of this policy include all living individuals about whom we hold personal data. All data subjects have legal rights in relation to their personal information.
- 2.3. Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (for example, a name and address or date of birth) or it can be an opinion about that person, their actions and behaviour.
- 2.4. Data controllers are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with the DPA.

- 2.5. Data users are those of our employees whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.
- 2.6. Data processors include any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.
- 2.7. Processing is any activity that involves the use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring data to third parties.
- 2.8. Sensitive personal data includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive personal data can only be processed under strict conditions.

3. Data Protection Principles

- 3.1. Anyone processing personal data must comply with the eight enforceable principles of good practice. These provide that personal data must be:
 - a) Processed fairly and lawfully.
 - b) Processed for limited purposes and in an appropriate way.
 - c) Adequate, relevant and not excessive for the purpose.
 - d) Accurate.
 - e) Not kept longer than necessary for the purpose.
 - f) Processed in line with data subjects' rights.
 - g) Secure.
 - h) Not transferred to people or organisations situated in countries without adequate protection.

4. Obtaining Information

- 4.1. We will process data about staff for legal, personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer, for example to pay you, monitor your performance and to confer benefits in connection with your employment.
- 4.2. We may process sensitive personal data relating to staff including, as appropriate:
 - a) information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions as to the employee's fitness for work;
 - b) the employee's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - c) in order to comply with legal requirements and obligations to third parties.

5. Purposes of Information and Length of Time Retained

- 5.1. Personal data will be held as indicated in Appendix 1. We will not keep personal data longer than necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy or erase from our systems, all data which is no longer required.
- 5.2. The Governing Body will state the purposes for which it holds personal information, and will register with the Data Protection Commissioner all the purposes for which it processes personal data.

6. Nature of Information

- 6.1. We will only collect personal data to the extent that it is required for the specific purpose notified to the data subject.
- 6.2. We will ensure that personal data we hold is accurate and kept up to date. We will check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

7. Disclosure of Information

- 7.1. Personal data will be used only for the purpose for which it was gathered, unless the consent of the people concerned has been obtained to a new or varied use.
- 7.2. Routine disclosures will be specified on the Data Protection register and in the school's own Data Protection publication scheme and consent will be deemed to have been given to routine disclosures so included.
- 7.3. In other cases the explicit consent of the data subject will be obtained in writing. Confirmation of consent by telephone is acceptable if a written request has been received which implies the consent of the data subject.
- 7.4. Access to personal data will be refused if the data user is uncertain whether the person requesting access, including another member of staff, is entitled to it.

8. Access to Personal Files

- 8.1. Staff are entitled to know if the Governing Body holds information about them and must make a formal written request for information we hold about them addressed to the School Administrator.
- 8.2. Information which would disclose the identity of a third person is exempt from access, unless the consent of the source is available or it is reasonable in all the circumstances to

comply with the subject access request without the third party's consent under section 7 of the DPA. Personal data may be exempt for other reasons under the DPA.

- 8.3. Requests for access to personal data will be dealt with within 40 days of receipt of sufficient information to process the request.

9. Parents' rights

- 9.1. An adult with parental responsibility can access the information about their child, as long as the child is not considered to be sufficiently mature. (Guidance provided by the Information Commissioner's Office has been that by the age of 12 a child can be expected to have sufficient maturity to understand the nature of the request.) The adult must be able to prove their parental responsibility and the School is entitled to request relevant documentation to evidence this as well as the identity of the requestor and child.
- 9.2. In addition, parents have their own independent right under The Education (Pupil Information) (England) Regulations 2000 of access to the official education records of their children. Students do not have a right to prevent their parents from obtaining a copy of their school records.

10. Standards of Security

- 10.1. The School will determine and maintain an appropriate level of security (and back –up) for its premises, equipment, network, programs, data and documentation, and will ensure that access to them is restricted to appropriate staff. Personal data will only be transferred to a data processor if he agrees to comply with those procedures and policies, or if he puts in place adequate measures himself.

11. Training

- 11.1. All new and existing employees who handle personal data will receive training on data protection procedures, which includes information about the standards the School expects its employees to observe in the use of personal data.

12. References

- 12.1. The Governing Body will comply with DfE guidance on references as amended from time to time in particular in relation to safeguarding children and safer recruitment in education.

13. Review of Policy

- 13.1. This policy shall be reviewed as necessary. We reserve the right to change this policy at any time. Where appropriate, we will notify data subjects of those changes by mail, email and/or staff notice board.

Appendix 1 – Retention of Documents on Personnel Files

This schedule lists the principal documents held on an employee's file. The list is not, however, exhaustive and other documents relating to employment may be held. Personnel files will be held for the length of employment + 7 years at which time they will be shredded. Documents relating to child protection or accidents at work may be held indefinitely and the employee will be advised of this.

Document	Period of retention
Original job application form	Termination + 7years
Two original references	Termination + 7years
Copy of Contract of employment and any variation letters or side letters (e.g tenancy/licence document)	Termination + 7years
Original contract acceptance	Termination + 7years
Confirmation of pre-employment medical check clearance	Termination + 7years
Confirmation of DBS outcome and any associated docs (e.g risk assessment)	Indefinitely
Barred list clearance	Indefinitely
Prohibition check	Indefinitely
Copies of documents used for identity authentication for DBS and Asylum and Immigration Act purposes	Termination + 7years
Copies of qualifications certificates relevant to employment	Termination + 7years
Formal disciplinary warnings – child protection related	Indefinitely
Formal disciplinary warnings – not child protection related	In accordance with the school's policy
Staff induction including NQTs Induction	Termination + 7years
UK Border Agency Documentation (Work permit)	Termination + 7 years
Letter of resignation and acceptance of resignation or other documentation relating to the termination of employment.	Termination + 7 years
Exit interview notes	Termination + 7 years
Salary assessment forms - teachers	Current year + 6 years
Time sheets	Current year + 6 years
Appraisal information	Current year + 6 years
NQT – Satisfactory completion of skills tests.	Termination + 7years
Medical certificates/ Occupational Health reports and sickness absence record	Current year + 6 years
Other special leave of absence including parental leave, maternity leave	Current year + 6 years
Records relating to accident/injury at work	Termination + 7years. In the case of serious accidents a further retention period will need to be applied