

## Data protection policy

### Introduction

- 1 **Application:** This Policy is aimed at all Federation staff including temporary staff, agency workers and volunteers and explains the Federation's general approach to data protection, and provides practical guidance which will help to ensure that the Federation complies with the Data Protection Act 1998 (Act).
- 2 **Compliance:** Compliance with this policy will help the Federation to meet its obligations under the Act. It does not commit the Federation to a higher standard than is required by the Act. In some circumstances, where the Act allows, compliance with the Act will be subsidiary to other considerations e.g. certain criminal investigations.
- 3 **Responsibility:** As the data controller, the Federation is responsible for complying with the Act. All staff are responsible for complying with this policy.

### Terminology

- 4 **Terminology:** In this policy, we have used the terms Personal Data, Sensitive Personal Data, Data Controller and processing in the same way as they are used in the Act.
- 5 **Personal data:** This policy covers the Federation's acquisition and use of the personal data it holds, and in particular records about pupils, parents, staff and suppliers.
- 6 **Personal Data is:**
  - 6.1 personal information that has been, or will be, word processed or stored electronically (e.g. computer databases and CCTV recordings);
  - 6.2 personal information that is, or will be, kept in a file which relates to an individual or in a filing system that is organised by reference to criteria which relate to the individuals concerned (e.g. name, school year, school activities);
  - 6.3 health records prepared by a doctor, nurse or other health professional.
- 7 Personal information is any information about someone who can be identified (e.g. their address, school activities, attendance record, exam results). It makes no difference whether they can be identified directly from the record itself or indirectly using other information.
- 8 The data subject is the person the information relates to. There may be more than one Data Subject, such as when a record concerns an incident involving two pupils.
- 9 **Sensitive personal data:** The Federation has special obligations in connection with the use of Sensitive Personal Data, namely information about an individual's gender, race, ethnic origin, political or religious beliefs, trade union membership, health, sexual orientation and actual or alleged criminal activity.
- 10 **Data controller:** For the purposes of the Act, the Federation is the Data Controller.
- 11 Acquiring and using personal data
- 12 **Specific legitimate purposes:** The Federation shall only process Personal Data for specific and legitimate purposes. These are:

- 12.1 providing pupils and staff with a safe and secure environment, an education and pastoral care;
  - 12.2 providing activities for pupils and parents - this includes school trips and activity clubs;
  - 12.3 providing academic, examination and career references for pupils and staff;
  - 12.4 protecting and promoting the interests and objectives of the Federation and the Academy - this includes fundraising;
  - 12.5 fulfilling the Federation's contractual and other legal obligations.
- 13 Federation staff must not process Personal Data for any other purpose without the prior authorisation of HR or a Principal.
  - 14 **No incompatible purpose:** The Federation shall not use Personal Data for any purpose that is incompatible with the purpose for which it was originally acquired without obtaining the Data Subject's permission. Staff should seek advice from the HR Department in all but the clearest of cases, but if information has been obtained in confidence for one purpose, it shall not be used for any other purpose without the permission of the HR Department or a Principal.
  - 15 **Necessary, sufficient information:** The Federation shall not hold unnecessary Personal Data, but shall hold sufficient information for the purpose for which it is required. The Federation shall record that information accurately and shall take reasonable steps to keep it up-to-date. This includes an individual's contact and medical details.
  - 16 **Outside the EEA:** The Federation shall not transfer Personal Data outside the European Economic Area (EEA) without the Data Subject's permission unless it is satisfied that the Data Subject's rights under the Act will be adequately protected and the transfer has been approved by the Principal/HR Department. This applies even if the transfer is to a pupil's parents or guardians living outside the EEA.
  - 17 **Fair:** When the Federation acquires personal information that will be kept as Personal Data, the Federation shall be fair to the Data Subject and fair to whoever provides the information (if that is someone else).
  - 18 **Retaining personal data:** The Federation shall only keep Personal Data for as long as is reasonably necessary.
  - 19 **Explanations when asking for personal data:** Unless it is already clear to the person concerned, when the Federation asks for personal information which may be kept as Personal Data the Federation shall:
    - 19.1 explain which information is optional, which is mandatory, and the consequences if it is withheld;
    - 19.2 explain why the Federation is asking for that information, and how it will be used;
    - 19.3 identify the Federation as the data controller;
    - 19.4 explain who outside the Federation will receive that information.
    - 19.5 **Informing the data subject:** If the Federation obtains personal information from someone other than the Data Subject, the Federation shall:

- 19.6 inform the Data Subject that the Federation has recorded that information;
  - 19.7 identify its source;
  - 19.8 explain why the Federation has acquired it, and how it will be used;
  - 19.9 identify the Federation as the data controller;
  - 19.10 explain who outside the Federation will receive that information.
- 20 A different approach may be necessary when medical, child protection or staff issues are involved: further advice is available from the HR Department.

### **Protecting confidentiality**

- 21 **Disclosing personal data:** Only staff with the appropriate authorisation from the Federation may access any Personal Data. Personal Data shall not be disclosed to anyone who does not have the appropriate authority to receive such information, irrespective of their seniority within the Federation or their relationship to the Data Subject, unless they need to know it for a legitimate purpose. Examples:
- 21.1 the Academy Nurses may disclose details of a lunchtime supervisor's allergy to bee stings to colleagues so that they will know how to respond, but more private health matters must be kept confidential;
  - 21.2 personal contact details for a member of staff (e.g. their home address and telephone number, and their private mobile telephone number and email address) shall not be disclosed to parents, pupils or other members of staff unless the member of staff has given their permission.
- 22 **Protecting personal data:** The Federation shall do all that is reasonable to ensure that Personal Data is not lost or damaged, or accessed or used without proper authority, and the Federation shall take appropriate steps to prevent these events happening. In particular:
- 22.1 paper records which include confidential information shall be kept in a cabinet or office which is kept locked when unattended;
  - 22.2 the Federation uses a range of measures to protect Personal Data stored on computers, including file encryption, anti-virus and security software, user passwords, audit trails and back-up systems;
  - 22.3 staff must not remove Personal Data from the Federation's premises unless it is stored in an encrypted form on a password protected computer or memory device. Further information is available from the Head of IT;
  - 22.4 staff must not use or leave computers, memory devices or papers where there is a significant risk that they may be viewed or taken by unauthorised persons: they should not be viewed in public, and they must never be left in view in a car, where the risk of theft is greatly increased.

### **Requests for information by data subjects**

- 23 **Data subject access request:** Individuals are entitled to know whether the Federation is holding any Personal Data which relates to them, what that information is, the source of the information, how the Federation uses it, and who it has been disclosed to.

- 24 **Use of personal data:** Individuals have a legal right to ask the Federation not to use their Personal Data for direct marketing purposes or in ways which are likely to cause any damage or distress.
- 25 **Corrections:** Individuals have a legal right to ask for incorrect Personal Data to be corrected or annotated.
- 26 **Automatic decisions:** Individuals have a legal right to ask the Federation not to make automatic decisions (using Personal Data) if such automatic decisions would affect them to a significant degree.
- 27 **Receiving a request:** Any member of staff who receives a request for information covered by this policy from a pupil, parent or any other individual must inform the Compliance Manager as soon as is reasonably possible, which should in most cases be the same day. This is important as there is a statutory procedure and timetable which the Federation must follow.
- 28 **Making a request:** Any member of staff wishing to exercise a right to request information covered by this policy, can do so by submitting a request in writing to the Compliance Manager, and by paying the appropriate fee.

#### **Further information**

- 29 ICO website: The Federation has registered its use of Personal Data with the Information Commissioner's Office (ICO) and further details of the Personal Data it holds, and how it is used, can be found in the Federation's register entry on the Information Commissioner's website at [www.ico.gov.uk](http://www.ico.gov.uk) under registration number Z7066671. This website also contains further information about data protection.

#### **Breach of this policy**

- 30 A member of staff who deliberately or recklessly discloses Personal Data held by the Federation without proper authority is guilty of a criminal offence and gross misconduct. This could result in summary dismissal.