



## Data Protection Policy

The Bible teaches that we are to treat the information that we know about people in confidence. *“A gossip betrays a confidence, but a trustworthy person keeps a secret.” (Proverbs 11vs13).*

### **Aims & Objectives:**

The aim of this policy is to provide a set of guidelines to enable staff, parents and pupils to understand:

- The law regarding personal data
- How personal data should be processed, stored, archived and deleted/destroyed
- How staff, parents and pupils can access personal data

The objective of the policy is to ensure that the school acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data and when making it available to individuals.

### **Data Protection – the law:**

Under the Data Protection Act 1998, and other regulating acts, access to their own personal information is a statutory right for pupils (if they are of an age to understand the information they request). Parents (as defined in the Education Act 1996) may also request access to their child’s personal data.

School staff have a right of access to personal data on themselves.

Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinions.

Personal data should always be kept securely and protected by passwords if it is electronic, and access to it should only be by those authorised to see it – confidentiality should be respected.

The law also provides that personal data should not be kept longer than is required.

Third party data (information about someone other than the requesting individual) should in general only be provided with their permission.

There should be a named person with overall responsibility for personal data within the school.

### **Named Person:**

The named person with overall responsibility for personal data controlled by the school is Jonathan Gulliford.

### **Processing, storing, archiving and deleting personal data: guidance**

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools.
- School records and examination records for a child should be kept for 7 years after the child leaves the school, or until the child reaches 25 years of age (whichever is greater).
- Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Head Teacher and with the knowledge, and if possible the agreement of the staff member concerned.
- Employment records form part of a staff member's permanent record.
- Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.
- All formal complaints made to the Head Teacher or School Governors will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

### **Accessing personal data: guidance**

- A child can request access to his/her own data. The request is not charged and does not have to be in writing. The staff will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion.
- A parent can request access to or a copy of their child's school records and other information held about their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a charge for photocopying records – this is detailed in guidance available from the Information Commissioner. Staff should check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force.
- Parents should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12. Parents are encouraged to discuss and explain any request for information with their child if they are aged 12 or over.
- Separately from the Data Protection Act, The Education (Pupil Information)(England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. Parents who wish to exercise this right must apply to the school in writing.
- For educational records access must be provided within 15 school days, and if copies are requested, these must be supplied within 15 school days of payment.
- A member of staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of records.
- The law requires that all requests for personal information are dealt with within 40 days of receipt except requests for educational records (see above). All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the school will arrange access to those documents already available, and notify the individual that other documents may be made available later.

- In all cases, should third party information (information about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception of information provided by another member of school staff which is exempt from a requirement for third party consents. If third party permission is not obtained the named person with overall responsibility should consider whether the information can still be released.
- Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data.
- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.
- The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

#### **Fair processing of personal data: data which may be shared**

Schools, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the education system, and in doing so have to follow the Data Protection Act 1998. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. The school has a Privacy Notice for parents and pupils and a Privacy Notice for staff and volunteers which explain how personal data is used and with whom it will be shared. The Notice for pupils and parents is published on the school's website. Both Notices are set out in Appendix 1 of this Policy.

#### **Access to other school information: guidance on the Freedom of Information Act**

The Freedom of Information Act 2005 does not apply to independent schools. No action needs to be taken if a Freedom of Information Act request is received.

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Immanuel Christian School  
Data Protection Policy – version 1  
Adopted by the Governors on 13/11/2014.  
Reviewed 28/03/2017  
Reviewed 7.9.19  
Reviewed 6.9.21

## Appendix 1

### PRIVACY NOTICE for *Pupils and Parents*

#### **Privacy Notice - Data Protection Act 1998**

We, Immanuel Christian School, are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, assessment results, attendance information and personal characteristics such as any special educational needs you may have and relevant medical information.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If pupils or parents want to request to access the personal data held about them or their child, they should contact the Chair of Governors of the school in writing.

**We will not give information about you to anyone outside the school without your consent unless the law and our policies allow us to.**

We are required by law to pass some information about you to the Department for Education.

If you need more information about how the LA and DfE store and use your information, then please go to the following websites - <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you cannot access these websites you can contact the DfE at:

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

**PRIVACY NOTICE**  
**for**  
***Staff and Volunteers***

**Privacy Notice - Data Protection Act 1998**

We, Immanuel Christian School, are a data controller for the purposes of the Data Protection Act. We collect personal information from you and from a number of government agencies such as HMRC and DBS. We hold this personal data to:

- Comply with our safeguarding obligations; and
- Comply with our obligations as an employer.

Information about you that we hold includes your contact details, qualifications, attendance information, Disclosure and Barring Service checks and relevant medical information.

Staff and volunteers, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them. If a member of staff or volunteer wants to request to access the personal data held about them they should contact the Chair of Governors of the school in writing.

**We will not give information about you to anyone outside the school without your consent unless the law and our policies allow us to.**

We are required by law to pass some information about you to various government departments and bodies which could include the Department for Education, HMRC and DBS.