



Freemantle Church of England Community Academy Trust

Data Protection Policy

Other associated policies/contacts;

- Freedom of Information Policy
- Subject access requests
- ICO- Information Communications Office
- FCAT- Funding Agreement
- FCAT- Articles of Association

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Aims

The academy aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998 and complies to GDPR May 2018.

This policy applies to all data, regardless of whether it is in paper or electronic format.

1. Legislation and guidance

This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is the most current legislation that came into force in 2018.

This policy complies with our funding agreement and articles of association.

2. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified

Sensitive personal data	Data such as: • Contact details • Racial or ethnic origin • Political opinions • Religious beliefs, or beliefs of a similar nature • Where a person is a member of a trade union • Physical and mental health • Sexual orientation • Whether a person has committed, or is alleged to have committed, an offence • Criminal convictions
Processing	• Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

3. The data controller

The academy processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our academy delegates the responsibility of data controller to the (Misss Nina Myszkowski-Headteacher).

The Academy is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

4. Data protection principles

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area

unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

5. Roles and responsibilities

The Board of Directors has overall responsibility for ensuring that the Academy complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the Headteacher or the Executive Officer and/or the deputy headteachers' in their absence. The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

All staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the Academy of any changes to their personal data, such as a change of address.

6. Privacy/fair processing notice

6.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the Academy is performing. We may also receive data about pupils from other organisations including, **but not limited to**, other schools, academies, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Suspension and exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with 'third parties' without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as local authorities and the Department for Education, so that they are able to meet their statutory obligations.

6.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at The Academy. The purpose of processing this data is to assist in the running of the Academy, including to:

- 6.2.1 Enable individuals to be paid
- 6.2.2 Facilitate safe recruitment
- 6.2.3 Support the effective performance management of staff

Improve the management of workforce data across the sector

- 6.2.4 Inform our recruitment and retention policies
- 6.2.5 Allow better financial modelling and planning
- 6.2.6 Enable ethnicity and disability monitoring
- 6.2.7 Support the work of the Academy payroll Review Body
- 6.2.8 Review social media access and accounts (recruitment)
- 6.2.9 Retain application and interview documents

Staff personal data includes, but is not limited to, information such as:

- 6.2.10 Contact details

- 6.2.11 National Insurance numbers
- 6.2.12 Salary information
- 6.2.13 Qualifications
- 6.2.14 Absence data
- 6.2.15 Personal characteristics, including ethnic groups
- 6.2.16 Medical information
- 6.2.17 Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to, or where this has been agreed with the member/prospective member of staff.

We are required, by law, to pass certain information about staff to specified external bodies, such as future employers, our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the Academy holds should contact the Headteacher.

7. Subject access requests

Under the Data Protection Act 1998, pupils have a right to request access to information the Academy holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter or email. Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The Academy will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 1 month of being requested. In cases where requests are complex or numerous the compliance time will be increased to 3 months. The reasons for the extension must be explained to the requesting individual within the first month of the request.

The Academy must verify the identity of the individual making the request using reasonable means; (time frames start once verification of identity has been made). This includes presenting two forms of ID. Written requests will also be followed up with a phone call to the individual to confirm the request was made and to confirm the details of where the results should be sent to.

Freemantle Church of England Community Academy Trust reserves the right to refuse or charge for requests that are clearly unfounded or excessive, particularly if they are repetitive or ask for further copies of the same information.

In cases where a request has been refused the individual will be informed of this decision and the reasons being the refusal. They will also be advised that they have the right to contact the ICO.

The table below summarises the charges that apply to any request deemed as unfounded or excessive.

Number of pages of information to be supplied Maximum fee (£)	
1-19	2.00
20-29	4.00
30-39	5.00
40-49	4.00
50-59	6.00
60-69	12.00
70-79	14.00
80-89	16.00
90-99	18.00
100-149	20.00
150-199	30.00
200-249	40.00
250-299	50.00
300-349	60.00
350-399	70.00
400-449	80.00
450-499	90.00
500+	100.00

8. Parental requests to see the educational record

Parents of pupils at the Academy **do not** have an automatic right to access their child's educational record. The Academy will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

9. Storage of records

- Paper-based records and portable electronic devices, such as laptops and hard drives, which contain personal information, are kept under lock and key when not in use. Each office and classroom will have access to a lockable cupboard/facility. It is the responsibility of the staff that work in these areas to ensure confidential documents are stored securely when not in use.
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access to the public or parents.
- Where personal information (assessment) needs to be taken off site (in paper or electronic form), staff must sign it in and out with the Headteacher or Deputy in their absence.
- Passwords that are at least 8 characters long containing letters and numbers are used to access Academy computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect key portable devices such as laptops.
- Staff, pupils or directors who store personal information on their personal devices are expected to follow the same security procedures for Academy-owned equipment

10. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely (subject to DFE guidance and legislation for keeping pupil records up to and including their 25th birthday).

For example, the academy will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

11. Training

Our staff and directors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the Academy's processes make it necessary.

The General Data Protection Regulation

We acknowledge that the law changed on the rights of data subjects and that the General Data Protection Regulation came into force in May 2018, this policy will be updated as updates from Central Government are made available.

We will review working practices when any new legislation takes effect and provide training to members of staff and directors where appropriate.

12. Monitoring arrangements

The Headteacher is responsible for monitoring and reviewing this policy.

The Headteacher checks that the Academy complies with this policy by, among other things, reviewing Academy records monthly.

This document will be reviewed in line with the General Data Protection Regulation, and then **every 2 years**.

At every review, the policy will be shared with the Board of Directors.

13. Links with other policies

This data protection policy and privacy notice is linked to the freedom of information publication scheme.