



YSGOL CALON CYMRU

DATA PROTECTION POLICY

YCC – Document Control	
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Date Policy Key Points to be Implemented by:	
Next Review Due:	

Ysgol Calon Cymru Data Protection Policy

The school collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order 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. Schools also have a duty to issue a Privacy Notice to all pupils/parents, which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulations (GDPR) which applied from 25th May 2018 which builds upon the Data Protection Act 1998, 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.

Data Protection Principles

Article 5 of the **General Data Protection Regulations 2018** establishes six enforceable principles that must be adhered to at all times:

1. Personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Personal data shall be collected 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; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

5. Personal data shall 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, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

Article 5(2) GDPR requires that:

"the controller shall be responsible for, and be able to demonstrate, compliance with the principles."

General Statement

The school is committed to maintaining the above principles at all times. Therefore, the school 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 (See Retention of Documents policy)
- 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's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Head teacher, or nominated representative.

Contacts

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

Further advice and information is available from the Information Commissioner's Office, <https://ico.org.uk/> or telephone 0303 123 1113.

Procedures for responding to subject access requests made under the General Data Protection Regulations 2018 (Data Protection Act 1998)

Rights of access to information

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

1. Under the **General Data Protection Regulations 2018** (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 2011.

These procedures relate to subject access requests made under the **General Data Protection Regulations 2018** (Data Protection Act 1998.)

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to the Head teacher. 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 Head teacher 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. There is no charge to the applicant making a Subject Data Access request.
5. The response time for subject access requests, once officially received, is 1 month although an extension of 2 additional months may be necessary if a complex request is received.

6. Article 23 of the **General Data Protection Regulations 2018** (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 1-month 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.
13. Schools are required to monitor the number of requests received and the timescales involved.

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.

Contacts

If you have any queries or concerns regarding these policies / procedures, then please contact the Head teacher.

Further advice and information can be obtained from the Information Commissioner's Office, <https://ico.org.uk/> or telephone 0303 123 1113.

Signed:

Chair of Governors: _____

Date: _____

Head Teacher: _____

Date: _____