

TANNERS WOOD JMI SCHOOL



DATA PROTECTION POLICY

Adopted by Governing Body:	Date July 2013	Review Date September 2016
Signed by:	Chair of Governors	Headteacher

**DATA PROTECTION
POLICY
TANNERS WOOD JMI School**

Policy Review

This policy will be reviewed in full by the Governing Body every 3 years.

The policy was last reviewed and agreed by the Governing Body in July 2013
It is due for review in September 2016 then every 3 years from thereon.

Signature Head Teacher Date

Signature Chair of Governors Date



Data protection

Status

Statutory

Applicable to:

All schools

Purpose

The school has a values system which upholds the importance of privacy for the individual whether it be a pupil, a member of staff, a parent or member of the community, and this underpins its commitment to data protection.

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with 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.

Who was consulted?

Staff, pupils, parents, the LA and local community leaders were consulted.

Relationship to other policies

This policy cross-refers to the health and safety, pupil discipline, special educational needs and whistle blowing policies, the equality duty, and statutory guidance on admissions, and staff discipline and conduct.

Equality impact

This policy will ensure that confidential data about all staff, children and families is held securely and only shared when there is a clear, legal requirement to do so or the individual concerned has given permission.

Roles and responsibilities of headteacher, other staff, governors

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;

5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

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
- 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

Annex A contains advice, from the Information Commissioner's Office (ICO) specifically on taking photographs in schools. This advice will be implemented in the policies and actions of the school. Parents will be asked to give permission if photographs of their children are to be used in any school publicity material.

Annex B contains advice, from the Information Commissioner's Office (ICO) specifically on school websites. This advice will be implemented in the policies and actions of the school.

Arrangements for monitoring and evaluation

The headteacher will provide an annual audit report in the second half of the summer term indicating how the school complies with each of the enforceable principles in the Data Protection Act 1998 and governors will arrange to carry out a sample of selected staff to confirm that they understand the legislation.

Date established by governing body

Date for full implementation

Date for review

Annex A - Data Protection Good Practice Note - Taking Photographs in Schools

The contents of this Annex can be used as a reference to assist with the application of the Data Protection policy.

Aim of this guidance

This Good Practice Guidance is aimed at Local Education Authorities and those working within schools, colleges and universities. It gives advice on taking photographs in educational institutions and whether doing so must comply with the Data Protection Act 1998.

Schools may take photos for inclusion in a printed prospectus or other school publication without specific consent, as long as they have indicated their intentions. Take extra care if the photos to be published are of young pupils or if you intend to name individuals in a photo or put the pictures on a website.

Images captured by individuals for personal or recreational purposes, such as with a mobile phone, digital camera or camcorder, are exempt from the DPA. If a parent makes a video of their child in a school play for their own family use, this is not covered by data protection law. A school may still have a policy restricting the taking of photographs or other images (for instance, for child protection reasons or to prevent disturbance), but we stress that this is not a data protection issue.

If the school itself records the school play so it can sell the recordings to parents, it needs to make sure it is complying with the DPA.

Recommended Good Practice

The Data Protection Act is unlikely to apply in many cases where photographs are taken in schools and other educational institutions. Fear of breaching the provisions of the Act should not be wrongly used to stop people taking photographs or videos which provide many with much pleasure.

Where the Act does apply, a common sense approach suggests that if the photographer asks for permission to take a photograph, this will usually be enough to ensure compliance.

- Photos taken for official school use may be covered by the Act and pupils and students should be advised why they are being taken.
- Photos taken purely for personal use are exempt from the Act.

Examples

Personal use:

- A parent takes a photograph of their child and some friends taking part in the school Sports Day to be put in the family photo album. These images are for personal use and the Data Protection Act does not apply.
- Grandparents are invited to the school nativity play and wish to video it. These images are for personal use and the Data Protection Act does not apply.

Official school use:

- Photographs of pupils or students are taken for building passes. These images are likely to be stored electronically with other personal data and the terms of the Act will apply.
- A small group of pupils are photographed during a science lesson and the photo is to be used in the school prospectus. This will be personal data but will not breach the Act as long as the children and/or their guardians are aware this is happening and the context in which the photo will be used.

Media use:

- A photograph is taken by a local newspaper of a school awards ceremony. As long as the school has agreed to this, and the children and/or their guardians are aware that photographs of those attending the ceremony may appear in the newspaper, this will not breach the Act

Annex B: Data Protection relating to School Website

The contents of this Annex can be used as a reference to assist with the application of the Data Protection policy.

A school website helps parents and pupils view information about your school, read your privacy notice and see what information you provide under your Freedom of Information Act publication scheme. If you post personal information, including images, on webpages available to all, you must comply with the data protection principles.

Four important considerations are:

1 Do not disclose personal information (including photos) on a website without the individual pupil, member of staff or governor being aware. We recommend you get consent before publishing photographs on a website.

2 On more sophisticated websites, where access to some sections is username and password controlled, you must take care to give only the necessary level of access and maintain strong password control. If you need to restrict access to part of the website, you should adequately protect this restricted information. Giving only the necessary level of access means making checks before doing so and ensuring access is stopped when no longer needed.

3 Be wary of metadata or deletions that could still be accessed in documents and images posted on a website.

4 There are now regulations in force about the use of cookies on websites.