

## Diocese of Gloucester Academies Trust

### Data Protection Policy

- 1 The Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust, and its associated academies, are central to witnessing to the value of the foundation. The Trust aims to protect the privacy of all staff and pupils/students when processing and storing data and in accordance with the Data Protection Act.
- 2 **Purpose & Scope:** This Policy guidance is aimed at providing staff, parents and student/pupils with information about how DGAT Academies might use personal information that is covered by the UK Data Protection Act 1998 (the **Act**) and how DGAT Academies will ensure they are compliant with the requirements of the Act.
- 3 The purpose of the Act is to safeguard personal information. The Act covers issues such as data security, individuals' rights to access information about them, how it is used and disclosure of personal information.
- 4 DGAT is the **Data Controller** under the Act. This means that all Trust Academies are responsible for compliance with the Act.
- 5 The Act applies to personal information about identifiable individuals that is held on a computer or is held in some paper files. It also applies to some other records such as certain medical records.

### Principles of Data Protection

- 6 In collecting and using data, DGAT Academies will comply with the requirements of the UK Data Protection Act 1998 that govern the processing of personal data. DGAT Academies will also comply with the following principles of good practice which are laid out in the Act (for a full explanation see Appendix 1):
- 7 DGAT Academies will ensure that all data is processed fairly and lawfully and will:
  - I. Record sufficient information for the purpose, but not unnecessary information.
  - II. Record Personal Data accurately and to keep it up-to-date.
  - III. Not use Personal Data in ways which are incompatible with the purpose for which it was originally recorded.
  - IV. Not transfer Personal Data outside the European Economic Area unless the Academy has the permission of the individual, or have made appropriate arrangements with the recipient to ensure that the individual's privacy rights are protected.
  - V. Have appropriate security arrangements in place to help prevent any unauthorised use of, or accidental loss or damage to, Personal Data. This may include using encryption and other technologies where appropriate.

- VI. Dispose of Personal Data appropriately after it is no longer needed. This includes:
1. shredding papers where appropriate; and
  2. permanently deleting information from computers and memory devices before they are disposed of.
- VII. Be fair to the subject of the information and to whoever provides it (if that is someone else).

### **How DGAT Academies might acquire Personal Data**

- 8 DGAT Academies may acquire Personal Data in a number of ways. For example:
- i. parents or pupils may provide individual Academies with Personal Data about themselves or their family in correspondence, forms, documents, during discussions with staff, and through the individual Academy websites;
  - ii. DGAT Academies may acquire Personal Data from other parents or pupils, or from people outside of the academy community who know parents or pupils of the Academy; and
  - iii. DGAT Academy may acquire Personal Data from other schools, public authorities, public sources or from commercial sources such as credit reference agencies.

### **How DGAT Academies use Personal Data**

- 9 DGAT Academies commonly uses Personal Data for:
- i. ensuring that the Academy is a safe and secure environment;
  - ii. providing education and pastoral care;
  - iii. providing academic, examination and career references for pupils;
  - iv. providing additional activities for pupils and parents - this includes school trips and activity clubs;
  - v. protecting and promoting the interests and objectives of the individual Academy - this includes fundraising;
  - vi. safeguarding and promoting the welfare of pupils;
  - vii. recruitment and payment of staff
  - viii. organisation and administration of courses and professional development for staff
  - ix. fulfilling the Academy's contractual and other legal obligations.

- 10 DGAT Academies may use Personal Data for other purposes where the Act allows and where providing an explanation would not be appropriate - this includes for the prevention and investigation of crime and the prosecution of offenders. DGAT Academies will not use Personal Data for any other purposes unless it has first communicated the other purposes to pupils or parents.
- 11 DGAT academies will not use pupil / parent Personal Data for direct marketing purposes if parents have specifically requested that this does not happen.

## **CCTV**

- 12 A DGAT Academy may use CCTV recordings (including in EYFS) for the purposes of crime prevention and investigation and also in connection with its obligation to safeguard the welfare of pupils, staff and visitors to the Academy site.
- 13 DGAT Academies may disclose CCTV recordings to third parties such as the police but only where such disclosure is in accordance with the Act.
- 14 The Academy must ensure the recorded images are stored securely, where only a limited number of authorised persons have access to them. The recorded images must only be retained long enough for any incident to come to light (e.g. for a theft to be noticed). The school may disclose recordings to a law enforcement agency in order to help with the prevention or detection of crime but must not release the images to any other third party.
- 15 For further guidance on the use of CCTV please refer to the Information Commissioners website under 'codes of practice our response and other papers'.  
<http://www.dataprotection.gov.uk/dpr/dpdoc.nsf>

## **Biometrics**

- 16 If a DGAT Academy uses a fingerprint identification system [for library book borrowing or registration]. The Academy will not use this information for any other purpose.
- 17 The Local Governing Body will ensure that the information collected through the fingerprint identification system will be held securely and is kept separate from other information held by the Academy.

## **Photographs and videos**

- 18 No DGAT Academy will publish the name of a pupil alongside any photograph, nor will the academy permit third parties, such as the media, to do this.
- 19 Where the individual Academy wishes to take photographs or make video recordings of staff and/or pupils, as individuals, as small groups or organised groups, the individual(s) concerned, or their parents must give their consent and be informed of the purpose(s) for which the information is to be used. For general photographs or video recordings of the Academy grounds and public places, whereby individuals can not be identified, consent is not required. If the Academy intends to record a

school specific such as a sports day or school play, parents must be informed of the intention and the purpose(s) for which the recording will be used. A parent may choose to withdraw their child from such an event if they object to the recording.

## **Parent and Pupil Statutory Rights to see Educational Records**

- 20 **Subject Access Request:** Subject to a number of exemptions contained in the Act, parents and pupils have a statutory right to know if an individual Academy holds any Personal Data about them, and to know what it is, its source, how the Academy uses it, the logic the Academy uses in any automatic decisions, and who the Academy discloses it to.
- 21 Parents or Pupils who wish to access this information will need to make a Subject Access Request. This can be done by submitting a request **in writing** and paying the appropriate fee (usually £10).
- 22 The Academy must be satisfied as to the identity of the person making the request. Proof of identity, confirming name and address, will be requested for this purpose. Only a student/pupil's parent or legal guardian may make requests for access to their child's educational records. Proof of this relationship will be required before access is granted.
- 23 DGAT Academies will respond to a request within 40 days from when it receives the request in writing, any further information reasonably requested by the Academy and (if the Academy asks for it) the fee. An initial acknowledgement of the request will be sent within 21 days.
- 24 Any person wishing to exercise their right to access information should obtain a copy of the Academy's access to information form (see appendix 2).
- 25 While in principle students have a right of access to the whole of their educational records, in exceptional cases some information may be withheld. The main exemptions are for information which might cause harm to the physical or mental health of the student or a third party, information which may identify third parties (for example other pupils), and information which forms part of some court reports. Information may also be withheld if in that particular case it would hinder the prevention and detection of crime or the prosecution or apprehension of offenders to provide it. The right of access extends to pupils and young people under 18 who understand what it means to exercise that right. Where a pupil or young person under 18 makes a request for access to their records, the individual Academy or a relevant authority (e.g. doctor or educational psychologist) will decide whether or not he/she has sufficient understanding to do so.
- 26 **Automatic decisions:** Parents and pupils have a statutory right to ask DGAT Academies not to make decisions automatically (using Personal Data) if such automatic decisions would affect them to a significant degree.
- 27 **Corrections:** Parents and pupils have a statutory right to ask for incorrect Personal Data to be corrected or annotated.

- 28 **Use of Personal Data:** Parents and pupils have a statutory right to ask an individual Academy not to use their Personal Data in a way that is likely to cause them unwarranted and substantial damage or distress.

### **Recruitment and Selection of Staff**

- 29 It is important to ensure that applicants who are responding to job advertisements or completing application forms know exactly to whom or where they are supplying their information and for what their information will be used. Only information relevant to the recruitment decision will be requested by DGAT Academies. Applicants should have explained to them as early as possible what verification checks may be undertaken.
- 30 Before attempting to obtain any information from a third party, for example for the purpose of confirming qualifications or employment history, it is necessary to obtain a signed consent form or some similar form of consent from applicants. Information should not be sought from applicants unless it can be justified as being necessary to enable the recruitment decision to be made, or for a related purpose such as equal opportunities monitoring.
- 32 It is important to ensure that personal data used during, and retained after the interview process, is justifiable against any challenge of it being relevant and necessary. DGAT Academies may be asked to prove that the non- selection of a candidate was on the basis of something other than a discriminatory attitude held by the interviewer. Applicants will have subject access rights regarding interview notes taken. It is for this reason that all interview notes must be legible and understandable. DGAT interview notes will be kept for a period of 6 months after the date of interview.
- 32 The Data Protection Act allows data subjects to access references about themselves *received* by the DGAT Academies (subject to respecting the confidentiality of third parties), but not those *provided* by the DGAT Academies.
- 33 Although confidential references received by individual Academies are not exempt from the right of access, consideration must be given to the data privacy rights of the referee. Information contained in, or about, a confidential reference need not be provided in response to a subject access request if the release of this information would identify an individual referee unless:
- i. • The identity of the referee can be protected by anonymising the information,
  - ii. • The referee has given his/her consent, or
  - iii. • It is reasonable in all the circumstances to release the information without consent.
- 34 DGAT Academies may not refuse to disclose references received from third parties without providing reasons e.g. the referee may have refused permission for the information to be made available, or the disclosure may result in harm to the referee.

- 35 In cases where a confidential reference discloses the identity of an organisation, but not an identifiable individual, as referee, disclosure will not breach data privacy rights.
- 36 Confidential references written by a DGAT member of staff are exempt from subject access requests. However, the Academy is recommended to adopt an open reference policy whereby the information contained within a reference is shared with the data subject on request. This helps alleviate any cause for concern by the data subject at a later date.
- 37 When writing a reference it must be kept in mind that the details of the reference may, at a later date, be disclosed to the individual (for example by the new employer). DGAT Academies must ensure that all information provided is up to date and accurate.
- 38 Where a reference requests it, DGAT Academies can disclose information regarding the number of day's sickness of a data subject. However, detailed information about the data subject's health or sickness record (including reasons for absence), falls within the definition of 'sensitive personal data' and must only be disclosed with the explicit (i.e. written) consent of the data subject.
- 39 For further information about data protection with regard to the recruitment process for staff (including CRB Checks) please see the Recruitment and Selection Policy.

### **Examination Results**

- 40 DGAT Academies must ensure that strict confidentiality and secure office practices are followed while papers are being marked and while results are being compiled. The Act does not give students/pupils the right to access their own examination scripts but it does allow access to comments made upon them by examiners. However, students/pupils are able (under subject access rights) to see the breakdown of marks awarded for particular questions, or sections of examinations.
- 41 Examination marks should not be shared (either verbally or in writing) with any other person unless the individual student/pupil has given their permission. The displaying of examination results on an Academy notice board, or a list sent around the classroom is prohibited.

### **Home Addresses, Telephone Numbers and Email Addresses**

- 42 Home addresses or telephone numbers of staff or other data subjects must not be given out to third parties unless the individual has given permission to do so.
- 43 Alternative approaches include taking the caller's contact details and advising that a message will be passed on requesting that the caller is contacted, or offering to forward correspondence to a pupil or a member of staff on behalf of the caller.
- 44 It is important to take care when handling such requests. An individual pupil/staff status is personal data. The Academy should be careful to neither confirm nor deny

that the person is a pupil or member of staff at the Academy, or that the person is otherwise known to the Academy.

- 45 Personal and/or work email addresses must not be disclosed. If asked to disclose another member of staff's personal email address, the caller can be asked to give their email address and told that it will be passed on to the individual they are trying to contact 'if' they are a member of the Academy. It is not appropriate to disclose a colleague's work details to someone who claims they wish to contact them regarding a non-work related matter.

## **The Internet**

- 46 Data placed on the Academy's web site and made available via the Internet will be available in countries which do not have a data privacy regime considered adequate by the EU. Where the Academy wishes to make staff/pupils personal data available in this way, the consent of the staff and/or student(s) concerned must be obtained. Consent can be withdrawn at any point.
- 47 Internet pages are sometimes used to collect personal data such as names and addresses of individuals who request school information e.g. from those who are registering to attend an open day. The relevant web page should indicate the purpose or purposes for which the data is collected, the recipients to whom it may be disclosed and an indication of the time period for which it will be kept (e.g. "while we process your application", rather than a specific date).
- 48 All sites that collect information from site visitors must provide a Privacy Statement. The purpose of this statement is to help individuals to decide whether they want to visit the site and, if so, whether to provide any personal information. Privacy Statements must be prominently displayed. The privacy statement should identify whether the website uses Cookies. Individuals must be given the opportunity to opt out of parts of the collection or use of the data not directly relevant to the specific purpose.

## **Sickness and Accident Records**

- 49 Sickness and accident records will include information about an employee's physical or mental health. These types of record should be treated as sensitive personal data and are therefore subject to specific extra requirements under the Act.
- 50 The Act makes a distinction between sickness, accident and absence records. Sickness and accident records contain details of the illness, condition or accident suffered by the individual. Absence records however, may explain the reason for the absence as 'sickness' or 'accident' but do not include any reference to specific medical conditions. The information commissioner recommends that sickness and accident records should be separated from absence records and that sickness and accident records should not be accessed where records of absence could be used instead.

## **Pension and Insurance Schemes**

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- 51 Pension schemes, private medical and permanent health insurance schemes may be administered by DGAT Academies but provided or controlled by third parties. Data required to administer such schemes should not be used for other purposes and any data passed to the scheme providers should be limited to that which is necessary to operate the relevant scheme. It should be made clear to employees who join these schemes what data will be passed between the employer and the scheme controller and for what purposes this will be used.

### **Equal Opportunities Monitoring**

- 52 The Act specifically allows for processing of data on racial or ethnic origin, religion and disability if it is necessary for keeping under review the existence, or absence, of equality of opportunity. The collection of this information is exclusively used for the statistical evaluation of the Academy's equal opportunities policy within recruitment and selection policy.
- 53 The Academy, where possible, will ensure anonymity of information when meaningful monitoring is required. The equal opportunities monitoring form, which collects information for this purpose, must be removed from all applications before any assessment of suitability for the post is considered.

### **Discipline, Grievance and Dismissal**

- 54 Employees have the same rights of access to files containing information about disciplinary matters or grievances about themselves as they do to other personal data held, unless this information is associated with a criminal investigation, in which case an exemption might apply. All of the normal data protection and access obligations apply to data created or accessed in the course of dealing with disciplinary and grievance issues. Any information referring to a third party must be removed or anonymised before access is granted.
- 55 Disciplinary warnings typically 'expire' after one year provided that no further warnings have been issued and no disciplinary action has been taken against the employee during that period. In these circumstances, the warnings will generally be disregarded for future disciplinary purposes but not removed from the personal file. There may be occasions, however, for example in the case of gross misconduct, or gross negligence, where the nature of the offence does not make it desirable and practicable for the one year time limit to apply. If this is so, the employee must be notified in writing when the warning is given of the period applicable, which will not normally exceed 5 years.
- 56 Exceptions to the time limit will apply where child protection issues are raised - refer to the Child Protection procedure for further information.
- 57 Details regarding information relating to discipline/grievance issues must not be disclosed to third parties. Under no circumstances should this information be disclosed or confirmed and persistent enquiries must be referred to the Principal of an individual academy.

## **Responsibilities under the Act**

58 All staff have a duty to observe the principles of the Act. The following guidelines are intended to assist DGAT staff in understanding the aims and principles of the Act and to set out the main areas in which staff are likely to be affected by data protection issues in the course of their work.

### **The Local Governing Body**

59 The Local Governing Body has responsibility for:

- i. Ensuring the implementation of the Data Protection Act in individual DGAT Academies.
- ii. Ensuring that academy policies, procedures and practice are consistent with the objectives of the policy.
- iii. Ensuring that complaints are investigated and dealt with effectively.

60 Where the Governing Body considers it appropriate a designated person may be nominated to act as Data Protection Officer to help ensure compliance within the individual Academy.

### **The Principal**

61 The Principal is responsible for:

- i. Ensuring that the Data Protection policy is implemented in the academy's procedures and practices.
- ii. Ensuring that the procedure is brought to the attention of all employees and that all staff receive appropriate training.
- iii. Compliance with the procedure at a practical level through action in recruitment and selection, training and development and general management.
- iv. Encouraging good practice by all staff and dealing appropriately with breaches of the Act.

### **All Staff**

62 Staff must ensure they understand how their work is affected by the Data Protection Act and abide by the principles of the Act. All staff must assess the information used in the course of their work and their responsibility for any personal data. Failure to abide by the requirements of the Act is a criminal offence and an individual may be held personally responsible for any non-compliance.

63 It is a condition of employment that employees will abide by the rules and policies made by the Academy from time to time. All staff must be aware of and ensure that they comply with this procedure.

### **Further Information**

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- 64 The purpose of this statement is to explain how the Academy uses Personal Data about pupils and parents. It does not, and is not intended to, place any obligation on the Academy greater than that set out in the Act.
- 65 **Freedom of Information:** This statement explains the Academy's approach to data protection. It does not cover the Freedom of Information Act or similar legislation. If you have a query concerning freedom of information, or if you are not sure whether your query relates to freedom of information or data protection, please contact the individual Academy directly.

### **Other Related Documents**

Child Protection Procedure

Equal Opportunities Policy

Recruitment & Selection Policy

Reference Policy

## **Appendix I Principles of Data Collection**

### **Personal data will be processed fairly and lawfully.**

The collection and disclosure of data is subject to scrutiny and is only 'lawful' if it meets at least one of the following criteria (as specified in Schedule 2 of the Act):

- i. With the consent of the data subject, or,
- ii. In performance of a contract (for example to process an application as part of the admissions process), or,
- iii. If there is a legal obligation (for example under prevention of terrorism legislation), or
- iv. For the protection of the vital interests of the individual (for example to prevent injury or other damage to the health of the data subject), or,
- v. In the legitimate interest of the data controller, unless it is prejudicial to the interests of the individual (for example for the purpose of equal opportunities monitoring).

Personal Data must meet all of the following criteria in order to be processed 'fairly':

Data will only be collected from persons who have the authority to disclose it. If personal information is collected from a third party, the data subject will be informed of the 'use' of the information.

- i. Subjects will not be deceived or misled in any matter related to the use of personal data. 5
- ii. The data subject has already manifestly made the information public.
- iii. It is necessary for legal proceedings, obtaining legal advice or defending legal rights.
- iv. It is necessary for the carrying out of official or statutory functions.
- v. It is necessary for medical purposes.
- vi. It is necessary for equal opportunities.
- vii. It is necessary in order to comply with legislation from the Secretary of State.

### **Personal data will be obtained only for one or more specified and lawful purposes.**

Data will not be further processed in any manner incompatible with the initial specified purpose or those purposes for which it was obtained. To satisfy the first principle (fair processing) the data subject(s) must not have been misled or deceived as to the reason(s) for processing.

### **Data must be adequate, relevant and not excessive.**

Personal information, which is not necessary for the intended processing, must not be acquired i.e. personal information cannot be collected just because 'it may be useful'.

### **Data must be accurate and up to date**

The school must ensure that there is a system in place to review data for accuracy and to ensure that it is up to date. Procedures must be in place to make any amendments

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requested by a data subject, or a record kept if the amendment is not considered appropriate.

**Data must not be kept for longer than required for the purpose.**

DGAT academies must indicate the length of time that data is to be in use and archived for any given purpose. This time period must be seen as justifiable for the particular purpose and in line with any legislation covering the processing. Information should not be kept any longer than the time period indicated to the data subject. DGAT academies must regularly review data held in order to assess whether information is still required, In addition to the requirements outlined above, Sensitive Personal Data may only be processed if it also meets at least one of the following criteria (as specified in Schedule 3 of the Act):

- i. The Data Subject has given explicit consent.
- ii. It is necessary to meet requirements of employment law.
- iii. It is necessary to protect the vital interests (i.e. if the situation is a matter of life or death) of the subject or another person.

The Act recommends the institution to have a retention policy in place to ensure information is retained only for as long as is necessary. Appendix 3 illustrates for guidance purposes the length of time records must be retained for legal reasons.



**DATA PROTECTION ACT 1998 - DATA SUBJECT ACCESS REQUEST FORM**

Under section 7 of the Data Protection Act 1998, an individual is entitled to ask for information the school holds about her/him. This entitlement is known as the “Right of Access to Personal Data.”

In exercise of the rights granted to me under the Data Protection Act 1998, I request that the Academy provides me with details of the personal data it holds about me and the purposes for which it is used.

I am aware that, under section 7.3 of Data Protection Act 1998, the academy is not obliged to comply with my request unless they are supplied with such information as they may reasonably require in order to satisfy themselves as to my identity and to locate the information which I seek.

**DATA SUBJECT** (please use BLOCK CAPITALS)

Full Name..... Date of birth.....

Address.....  
..... Post code.....

Telephone no..... Length of time at this address..... yrs.....mths

Previous address(es) with dates (if data is required for this period)  
.....  
.....

**Declaration – please complete section (a) and either section (b) or (c) Section (a) (please tick)**

I am providing proof of identity through:

- my driving licence
- passport
- birth or marriage certificate
- benefit book

**and** confirmation of my current permanent home address is provided through:

- the same document
- a current utility bill in the same name as my Birth/marriage certificate

**And either section (b)** I confirm that I am the Data Subject.



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### Appendix 3 Diocese of Gloucester Academies Trust

The following table illustrates, for guidance purposes, the length of time records need to be kept for legal reasons (This is not an exhaustive list. Medical records are kept for a variety of health and safety reasons and will carry various retention times).

<b>Type of Data</b>	<b>Suggested Retention Period</b>	<b>Reason</b>
Personnel files including training records and notes of disciplinary and grievance hearings	7 years from the end of employment	References and potential litigation
Staff application forms/interview notes	At least 6 months from the date of the interview	Time limits on litigation
Facts relating to fewer than 20 redundancies	3 years from date of redundancy	As above
Facts relating to 20 + redundancies	12 years from date of redundancy	Limitation Act 1980
Income Tax and NI returns, including correspondence with tax office	At least 3 years after the end of the financial year to which the records relate	Income Tax [Employment] Regulations 1993
Statutory Maternity Pay records and calculations	As above	Statutory Maternity Pay [General] Regulations 1986
Statutory Sick Pay records and calculations	As above	Statutory Sick Pay [General] Regulations 1982
Wages and salary records	6 years	Taxes Management Act 1970
Accident books; records and reports of injuries and diseases	At least 3 years after the date of the last entry	Social Security (Claims and Payments) Regulations 1979; RIDDOR 1995
Health records	During employment	Management of Health and Safety at Work Regulations
Health records where reason for termination of employment is connected with health, including stress-related illness	3 years	Limitation period for personal injury claims