

# **Torfield and Saxon Mount Academy Trust**



## **Federation Data Protection Policy**

July 2015

# TORFIELD AND SAXON MOUNT ACADEMY TRUST

## Data Protection Policy

**This document is a statement of the aims and principles of the schools, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.**

### Introduction

We, at The Torfield and Saxon Mount Academy Trust, are the Data Controller for the purposes of the Data Protection Act.

Torfield and Saxon Mount Schools need to keep certain information about their employees, students and other users to allow it to monitor performance, achievements, health and safety, HR and pupil personal record purposes.

Personal data is held by the schools about those employed or otherwise engaged to work at each school. This is to assist in the smooth running of the school and/or enable individuals to be paid and legal obligations to funding bodies and Government complied with.

This personal data includes some or all of the following:

Identifiers such as name and National Insurance Number

Characteristics such as ethnic group

Employment contract and remuneration details

Post "A" level qualifications and absence information.

To comply with the law information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Torfield and Saxon Mount Schools must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the 1998 Act). In summary these state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.

The collections of this information will benefit both national and local users by;

- Improving the management of school workforce data across the sector
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up
- Informing the development of recruitment and retention policies
- Allowing better financial modelling and planning
- Enabling ethnicity and disability monitoring
- Supporting the work of the School Teacher Review Board and the School Support Staff Negotiating Body

We are required to pass on some of this data to:

- East Sussex County Council (ESCC) or other HR advisory, administration and payroll service provider as purchased by the Academy Trust
- Academy Auditors for the purpose of producing and auditing financial accounts
- The Department for Education (DfE)
- The Charities Commission

Torfield and Saxon Mount Schools and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the schools have developed this Data Protection Policy.

### **Status of this Policy**

This Policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the Schools from time to time. Any failures to follow the Policy can therefore result in disciplinary proceedings.

### **The Data Controller and the Designated Data Controllers**

The Academy Trust as a body corporate is the Data Controller under the 1998 Act, and the governors are therefore ultimately responsible for implementation. However, the Designated Data Controller will deal with day to day matters.

The Director of Finance, Resources and Operational Strategy is the Designated Data Controller.

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller.

### **Responsibilities of Staff**

All staff are responsible for:

- Checking that any information that they provide to the schools in connection with their employment is accurate and up to date.

- Informing the schools of any changes to information that they have provided e.g. change of address, either at the time of appointment or subsequently. The schools cannot be held responsible for any errors unless the staff member has informed the schools of such changes.

If and when, as part of their responsibilities, staff collect information about other people (e.g. about a student's course work, opinions about ability, references to other academic institutions or details of personal circumstances), they must comply with the appropriate guidelines and processes as well as those set out in this Policy.

## **Data Security**

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- Staff should note that unauthorised disclosure may be a disciplinary matter.

Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe, or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up, and
- If a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

## **Rights to Access Information**

All staff, parents and other users are entitled to;

- Know what information the schools hold and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the schools are doing to comply with its obligations under the 1998 Act.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should submit a formal request to the Designated Data Controller.

The schools will make an administration charge of £10 on each occasion that access is requested, although the schools have discretion to waive this.

The schools aim to comply with requests for access to personal information as quickly as possible but will ensure that it is provided within 40 days, as required by the 1998 Act.

Further information on data use is available on the Staff 'Privacy Notice – Data Protection Act 1998' statement, issued annually to all staff, and the 'Privacy Notice' issued to all parents/carers as children join the schools.

## **Subject Consent**

In many cases, the schools can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the schools processing some specified classes of personal data is a condition of acceptance of employment for staff. This includes information about previous criminal convictions and disclosures under the Childcare Disqualification Regulations 2009 .

Jobs will bring the applicants into contact with children. The schools have a duty under the children Act 1989 and other enactments to ensure that staff are suitable for the job. The schools have a duty of care to all staff and students and must therefore make sure that employees and those who use the school facilities do not pose a threat or danger to other users. The schools may also ask for information about particular health needs, such as allergies to particular forms of medication or any medical condition such as asthma or diabetes. The schools will only use this information in the protection of the health and safety of the individual but will need consent to process this data in the event of a medical emergency for example.

## **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions or race. This may be to ensure that the schools are a safe place for everyone or to operate other school policies such as the Absence Management Policy or the Equal Opportunities Policy. Because this information is considered **sensitive** under the 1998 Act, staff (and students where appropriate) will be asked to give their express consent for the schools to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

## **Publication of School Information**

Certain items of information relating to school staff may be made available via searchable directories on the public Website, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the schools.

## **Retention of Data**

The schools have a duty to retain some staff and student personal data for a period of time following their departure from the schools, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time.

## **Conclusion**

Compliance with the 1998 Act is the responsibility of all members of the schools. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken or even to a criminal prosecution.

This policy is monitored on a day-to-day basis by the Executive Headteacher, who reports to Governors about the effectiveness of the policy on request.

Signed;

Chair of Directors.....

Date.....

Executive Headteacher.....

Date.....

Date to be reviewed.....