

This Policy will be disseminated to all staff for their understanding and agreement to adhere to it. It is on our website, in every classroom and a copy is in our main office for anyone to read and discuss.

DATA PROTECTION POLICY

1. Introduction

St Martin's School collects, stores and uses personal information about staff, students, 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.

2. Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with applicable data protection law. 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. Any staff who fail to comply with this Policy may be subject to disciplinary action, up to and including dismissal.

3. 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.

1. Personal data shall be processed lawfully, fairly and in a transparent manner
2. Personal data shall be obtained only for one or more specified, explicit and legitimate purposes;
3. Personal data shall be adequate, relevant and limited to what is necessary;
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 individuals;
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 or the United Kingdom without appropriate legal safeguards.

4. General Statement

St Martin's 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 (please see the School's privacy notices for more details).
- Inform individuals when their information is shared, and why and with whom it was shared and 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.
- Implement procedures to ensure compliance with any requests from individuals to exercise their data protection rights. Ensure our staff are aware of and understand our policies and procedures.

Please see Appendix 1 for details of the School's procedure for responding to subject access requests. Please also note that in addition to the right of access to personal information as described in Appendix 1, individuals have various other rights in relation to their personal information, including the right to object to it being used and/or to have it erased in certain cases. If you receive a request from an individual to exercise their rights in relation to their personal information you should promptly notify the Head Teacher so that we can comply with the request in accordance with the statutory timeframes and other legal requirements.

If you become aware of any actual or suspected loss or breach of security affecting any personal information, you must report it to the DPO (Joanna Wilson) **immediately**. This includes for example (a) where personal information has been accidentally disclosed to an incorrect recipient (e.g. a misdirected email), (b) where an unauthorised party has accessed personal information, or (c) where an IT failure has caused us to lose access to personal information. There are very strict legal deadlines to report certain types of data breaches to the Information Commissioner's Office and/or the affected individuals so it is critical that you follow this policy and escalate any suspected breaches immediately.

5. Complaints

Complaints will be dealt with in accordance with the School's complaints policy. Complaints relating to information handling may be referred to the DPO, Joanna Wilson.

6. 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, Proprietor or nominated representative.

7. 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 individual rights requests.

Signed: Joanna Wilson
12th September 2023

Checked: _____ Sacha Wilson
Legal and Compliance Governor

Review Date: 12th September 2024

Appendix 1

School procedure for responding to subject access requests made under applicable data protection law.

1.1 Rights of access to information

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

1. Under applicable data protection law 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 under specific education regulations.

These procedures relate to subject access requests made under applicable data protection law.

1.2 Actioning a subject access request

1. Requests for information do not necessarily have to be made in writing. However, it will be easier for St Martin's School to respond to requests if they are made in writing; which includes email, and 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. St Martin's School will not generally charge for the provision of information, unless the request is held to be manifestly unfounded or excessive, for example because of its repetitive character.

5. The response time for subject access requests, once officially received, is one month. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. We will inform the requestor of any such extension within one month of receipt of the request, together with the reasons for the delay.
6. There are certain legal exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
7. Third party information is where personal information of the requester includes information relating to a third party. Before disclosing third party information, consent should normally be obtained unless it is otherwise reasonable to do so in accordance with applicable laws and regulations. There is still a need to adhere to the above timescales.
8. Any information that 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, 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.

1.3 Complaints

Complaints about the above procedures should be made to the DPO, Joanna Wilson who will decide whether it is appropriate for the complaint to be dealt with in accordance with the School's complaint procedure.

1.4 Contacts

If you have any queries or concerns regarding these policies / procedures then please contact the DPO (Data Protection Officer) Joanna Wilson