



## Safeguarding Statement

At Thorpe Acre Infant School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Thorpe Acre Infant School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

**Please Note:** *Where the term ‘parent’ is used, this includes carers and those with special guardianship.*

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## 1. Introduction

The school's [Data Protection Policy](#) sets out, in writing, the manner in which personal data on staff, pupils and other individuals (e.g. parents, members of the Governing Body, visitors, volunteers etc.) is kept and how the data concerned is protected. This policy was formulated in February 2018 following training received prior to the introduction of new legislation, known as GDPR (General Data Protection Regulation). The policy applies to the keeping and processing of personal data, both in manual form and on computer, including personal data held on all school staff, the Governing Body, parents, pupils and others insofar as the measures under the policy relate to them. This policy relates to the school's mission statement, values and ethos.

## 2. Rationale

Schools are obliged to comply with the Data Protection Act, 1988 and the Data Protection (Amendment) Act, 2003 (henceforth referred to as the Data Protection Acts).

Under Section 9(g) of the Education Act, 1998, the parents of a pupil must be given access to records kept by the school relating to the progress of the pupil in his or her education.

Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the school.

Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day.

Under Section 28 of the Education (Welfare) Act, 2000, the data controller may supply personal data kept by the school, or information extracted from such data, to the data controller of another prescribed body if the school is satisfied that it will be used for a "relevant purpose" only.

## 3. Aims.

Our school aims to ensure that:

- The school complies with the Data Protection Acts
- The school complies with the eight rules of data protection as set down by the Data Protection Commissioner based on the Acts
- The data protection rights of pupils, staff and other members of the school community are safeguarded.

## 4. Legislation and guidance

This policy meets the requirements of the Data Protection Act 1998, and is based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department for Education. It also takes into account the expected provisions of the General Data Protection Regulation, which is new legislation due to come into force in May 2018. In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

## 5. Definitions

Term	Definition
Data	Data means information in a form which can be processed. It includes automated data

	(information on computer or information recorded with the intention of putting it on computer) and manual data (information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system)
<b>Relevant filing system</b>	Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily accessible
<b>Personal data</b>	Personal data means data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"> <li>• Contact details</li> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> <li>• Religious beliefs, or beliefs of a similar nature</li> <li>• Where a person is a member of a trade union</li> <li>• Physical and mental health</li> <li>• Sexual orientation</li> <li>• Whether a person has committed, or is alleged to have committed, an offence</li> <li>• Criminal convictions</li> </ul>
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	A data controller is the individual or legal entity which controls the contents and use of personal data. The school can be considered to be the data controller, with the Headteacher acting for the Governing Body in exercising the functions

	involved.
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

## 6. The data controller

Our school processes personal information relating to pupils, staff, parents and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Headteacher who acts on behalf of the Governing Body. The school is registered as a data controller with the Information Commissioner’s Office and renews this registration annually.

## 7. Data protection principles

The school has arrangements in place to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the following eight rules of data protection (based on the Data Protection Acts):

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes
8. Give a copy of his/her personal data to that individual on request.

The school recognises that the minimum age at which consent can be legitimately obtained for processing and disclosure of personal data under rules 1 and 3 above is not defined in the Data Protection Acts. However, guidance material published on the Data Protection Commissioner’s website states the following:

*“As a general rule in the area of education, a student aged eighteen or older may give consent themselves. A student aged from twelve up to and including seventeen should give consent themselves and, in addition, consent should also be obtained from the student’s parent or guardian. In the case of students under the age of twelve consent of a parent or guardian will suffice.”*

Data shall be obtained and processed fairly and lawfully

- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed

- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data.

**Note:** Under Section 20 of the Education (Welfare) Act, 2000, each school Headteacher must maintain a register with the names of all children attending that school. When a child is transferring from the school, the Headteacher must notify the Headteacher or Principal of the new school of any problems relating to school attendance that the child concerned had and of any other matters relating to the child's educational progress that he or she considers appropriate. Under Section 28 of the Act, schools may supply personal data, or information extracted from such data, to other schools or another prescribed body if they are satisfied that it will be used in recording the pupil's educational history, monitoring the pupil's educational progress or developing the pupil's full educational potential. The bodies which have been prescribed (and so can share information) under Section 28 are:

- The Minister for Education and Science (which includes the Inspectorate and the National Educational Psychological Service (NEPS))
- The National Council for Special Education (NCSE)
- The National Educational Welfare Board (NEWB)
- Each school recognised in accordance with section 10 of the Education Act, 1998
- Each place designated by the Minister under section 10 of the Education Act, 1998 to be a centre for education.

## **8. Roles and responsibilities**

The Governing Body has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the Headteacher or the Deputy Headteacher, in the Headteacher's absence. The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## **9. Privacy/fair processing notice**

### **9.1 Pupils and parents**

We process data relating to those who are enrolled at the school. These records may be kept manually (e.g. personal file within the school's filing system), on computer (database) or both.

Pupil personal data records held by the school may include, but is not restricted to:

- Name, address and contact details
- UPN number
- Names and addresses of parents and their contact details

- Religious belief
- Racial, ethnic or national origin
- Membership of the Traveller community, where relevant
- Any relevant special conditions (e.g. special educational needs, health issues, medical conditions etc.) which may apply
- Information on previous academic record
- Psychological assessments
- Attendance Records
- Academic record – subjects studied, class assignments, examination results as recorded on official school reports
- Results of internal assessment and externally set tests
- Records of significant achievements
- Records of disciplinary issues and/or sanctions imposed
- Exclusion information
- Other records e.g. records of any serious injuries/accidents etc.

We hold personal data about pupils to:

- Support teaching and learning
- Provide pastoral care
- Enable each student to develop his/her full potential
- Comply with legislative or administrative requirements
- Ensure that eligible students can benefit from the relevant additional teaching or financial supports
- Support the provision of religious instruction
- Assess how the school is performing
- Enable parents to be contacted in the case of emergency etc.

We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education. These records may be kept manually (e.g. personal file within the school's filing system), on computer (database) or both.

- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions.

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 10 and 11 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

## 9.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our school. These records may be kept manually (e.g. personal file within the school's filing system), on computer (database) or both.

Staff personal data records held by the school may include, but is not limited to:

- Name, address and contact details
- Teacher number
- National insurance number
- Original records of application and appointment including previous work abroad
- Salary information
- Record of appointments to promotion posts
- Details of absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, subjects etc)
- Personal characteristics including ethnic groups
- Medical information
- Details required to maintain effective safeguarding
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress
- Outcomes of any disciplinary procedures

**Note:** a record of grievances may be maintained which is distinct from and separate to individual personnel files.

The purpose of processing this data is to assist in the running of the school, including to:

- Facilitate payment of staff
- Facilitate pension payments in the future
- Facilitate safe recruitment
- Inform our recruitment and retention policies
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body.
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We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.



Any staff member wishing to see a copy of information about them that the school holds should contact the Headteacher, Jo Beaumont.

### **9.3 Governing Body**

We process data relating to the governors of the school. These records may be kept manually (e.g. personal file within the school's filing system), on computer (database) or both.

Governor personal data records held by the school may include, but is not limited to:

- Name, address and contact details of each member of the Governing Body
- Records in relation to appointments to the Governing Body
- Minutes of Governing Body meetings and correspondence which may include references to particular individuals
- Pecuniary interests.

We hold details about governors to:

- Keep a record of Governing Body appointments
- Document decisions made by the Governing Body.

### **9.4 Suppliers and Contractors**

We process data relating to suppliers and contractors of the school. These records may be kept manually (e.g. company file and financial in the school's filing system), on computer (database and financial records) or both.

Data records held by the school may include, but is not limited to:

- Name, address and contact details
- Records in relation to Service Level Agreements
- Records in relation to transactions
- Records in relation to proposals
- Records in relation to quotations
- Pecuniary interests.

We hold details about suppliers and contractors to:

- Ensure best practice
- Ensure value for money
- Ensure safe working practice.

### **9.5 Volunteers**

We process data relating to volunteers of the school. These records may be kept manually (e.g. letter of interest), on computer (database) or both.

Data records held by the school may include, but is not limited to:

- Name, address and contact details
- Details required to maintain effective safeguarding
- Letter of interest
- References if appropriate.

We hold details about volunteers to:

- Ensure safe working practice.

### **9.6 Work experience students and trainee teachers**

We process data relating to work experience students and trainee teachers of the school. These records may be kept manually (e.g. letter of interest), on computer (database) or both.

Data records held by the school may include, but is not limited to:

- Name, address and contact details
- Medical information
- Details required to maintain effective safeguarding
- Letter of interest
- References if appropriate
- Details of absences
- Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress
- Evaluations of practice
- Results of internal and external assessments.

We hold details about work experience students and trainee students to:

- Assess performance
- Ensure best practice
- Ensure safe working practice
- Ensure effective mentoring.

### **10. Subject access requests**

Under the Data Protection Act 1998, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter or email. Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested.

Data protection regulations prohibit the supply of:

- Health data to a patient in response to a request for access if that would cause serious harm to his or her physical or mental health. The regulations also provide that such data is to be communicated only by, or after consultation with, an appropriate "health professional", normally the patient's own doctor
- Personal data obtained in the course of carrying on social work if that would cause serious harm to the health or emotional condition of the data subject concerned. The regulations apply to social

work carried on by Ministers, local authorities, the HSE or any other such bodies receiving financial assistance from public funds.

The school will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child.

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days and a charge may apply.

If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

### **11. Parental requests to see the educational record**

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

### **12. Storage of records (Data Retention)**

- In line with the 'Information Management Toolkit for Schools', different categories of data are retained accordingly;
- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment.

### **13. Disposal of records (Deletion)**

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

At the end of each academic year, pupil information is transferred to the child's next KS2/ 'Junior' school setting, via our School's Information Management System (SIMS).

### **14. Training**

Our staff and governors are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

### **15. The General Data Protection Regulation**

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018. We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

### **16. Monitoring arrangements**

The Governing Body is responsible for monitoring and reviewing this policy. The Headteacher and Governing Body check that the school complies with this policy by, among other things, regularly and frequently reviewing school records.

This document will be reviewed when the General Data Protection Regulation comes into force, and then every 2 years. At every review, the policy will be shared with the Governing Body

### **17. Links with other policies**

This data protection policy and privacy notice is linked to the freedom of information publication scheme and has implications for other policies such as, although not restricted to:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour.