



ILKLEY GRAMMAR SCHOOL

AN ACADEMY TRUST

DATA PROTECTION

	Position	Date
Prepared by	Headteacher and Business & Finance Director	Oct 2016
To be Reviewed	Headteacher and Business & Finance Director	Oct 2018



Data Protection Policy

1 Introduction

- 1.1 The School collects and uses personal data about staff, students, parents, carers, and other individuals who come into contact with the School in order to provide education and associated functions. The School may also be required by law to collect and use certain personal data to comply with statutory obligations.
- 1.2 This policy sets out how the School seeks to protect personal data and ensure staff understand the rules governing their use of personal data to which they have access. This policy is intended to ensure that personal data is dealt with properly and securely and in accordance with the Data Protection Act 1998 and other related legislation.
- 1.3 Staff should ensure that the Business & Finance Director, is consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.
- 1.4 The School is responsible for the monitoring and implementation of this policy. If you have any questions about the content of this policy or other comments you should contact the Business & Finance Director.

2 Scope

- 2.1 This policy applies to all staff, which for these purposes includes employees, temporary and agency workers, other contractors, interns and volunteers.
- 2.2 All staff must be familiar with this policy and comply with its terms.
- 2.3 The School may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff.

3 Definitions

- 3.1 In this policy:

personal data means information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, clients, suppliers and marketing contacts. This includes expression of opinion about the individual and any indication of someone else's intentions towards the individual;

sensitive personal data means personal data about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, sexual life, criminal offences, or related proceedings. Any use of sensitive personal data must be strictly controlled in accordance with this policy;

processing data means obtaining, recording, holding or doing anything with it, such as organising, using, altering, retrieving, disclosing or deleting it.

4 General principles

- 4.1 The School's policy is to process personal data in accordance with the applicable data protection laws and rights of individuals as set out below. All staff have personal responsibility for the practical application of the School's data protection policy.
- 4.2 The School will observe the following principles in respect of the processing of personal data:

- 4.2.1 to process personal data fairly and lawfully in line with individuals' rights;
- 4.2.2 to make sure that any personal data processed for a specific purpose are adequate, relevant and not excessive for that purpose;
- 4.2.3 to keep personal data accurate and up to date;
- 4.2.4 to keep personal data for no longer than is necessary;
- 4.2.5 to keep personal data secure against loss or misuse;
- 4.2.6 not to transfer personal data outside the EEA (which includes the EU countries, Norway, Iceland and Liechtenstein) without adequate protection.

5 **Fair and lawful processing**

- 5.1 Staff should generally not process personal data unless:
 - 5.1.1 the individual whose details are being processed has consented to this;
 - 5.1.2 the processing is necessary to perform or comply with the School's legal obligations or exercise legal rights, or
 - 5.1.3 the processing is otherwise in the School's legitimate interests and does not unduly prejudice the individual's privacy.
- 5.2 When gathering personal data or establishing new data protection activities, staff should ensure that individuals whose data is being processed receive appropriate data protection notices to inform them how the data will be used. There are limited exceptions to this notice requirement. In any case of uncertainty as to whether a notification should be given, staff should contact the Business & Finance Director.
- 5.3 It will normally be necessary to have an individual's explicit consent to process 'sensitive personal data', unless exceptional circumstances apply or the processing is necessary to comply with a legal requirement. The consent should be informed, which means it needs to identify the relevant data, why it is being processed and to whom it will be disclosed. Staff should contact the Business & Finance Director for more information on obtaining consent to process sensitive personal data.

6 **Accuracy, adequacy, relevance and proportionality**

- 6.1 Staff should make sure data processed by them is accurate, adequate, relevant and proportionate for the purpose for which it was obtained. Personal data obtained for one purpose should generally not be used for unconnected purposes unless the individual has agreed to this or would otherwise reasonably expect the data to be used in this way.
- 6.2 Individuals may ask the School to correct personal data relating to them or their child which they consider to be inaccurate. If a member of staff receives such a request and does not agree that the personal data held is inaccurate, they should nevertheless record the fact that it is disputed and inform the Key Stage Hubs.
- 6.3 Staff must ensure that personal data held by the School relating to them is accurate and updated as required. If personal details or circumstances change, staff should inform the Business & Finance Director or a member of the Human Resources team so the School's records can be updated.

7 **Security**

- 7.1 The School will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to do so.
- 7.2 The School will take reasonable steps to ensure that all personal data is held securely and is not accessible to unauthorised persons.
- 7.3 Members of staff must keep personal data secure against loss or misuse.
- 7.4 Where the School uses external organisations to process personal data on its behalf additional security arrangements need to be implemented in contracts with those organisations to safeguard the security of personal data. Staff should consult the Business & Finance Director to discuss the necessary steps to ensure compliance when setting up any new agreement or altering any existing agreement.

8 **Data retention**

- 8.1 Personal data should not be retained for any longer than necessary. The length of time over which data should be retained will depend upon the circumstances including the reasons why the personal data were obtained.

9 **Rights of individuals**

- 9.1 Individuals are entitled (subject to certain exceptions) to request access to information held about them. All such requests should be referred immediately to Human Resources by completion of Appendix 1. This is particularly important because the School must respond to a valid request within the legally prescribed time limits.
- 9.2 Any member of staff who would like to correct or request information that the School holds relating to them should contact Human Resources. It should be noted that there are certain restrictions on the information to which individuals are entitled under applicable law.

10 **Reporting breaches**

- 10.1 Staff have an obligation to report actual or potential data protection compliance failures to the Business & Finance Director. This allows the School to:
 - 10.1.1 investigate the failure and take remedial steps if necessary; and
 - 10.1.2 make any applicable notifications.

11 **Consequences of failing to comply**

- 11.1 The School takes compliance with this policy very seriously. Failure to comply puts both staff and the School at risk. The importance of this policy means that failure by a member of staff to comply with any requirement may lead to disciplinary action.
- 11.2 Any questions or concerns about this policy should not hesitate to discuss these with the Business & Finance Director on ext. 271.

ILKLEY GRAMMAR SCHOOL
Data Protection Rights and Responsibilities Policy

Rationale

The Data Protection Act gives you the right to see a copy of personal information held about you. If you wish to see information held about you, you can complete a form to request the information.

Objectives

Your responsibilities are

- You need to apply in writing (using the form – Appendix 1)
- You need to establish your identity by providing suitable ID
- You should help us to find the information by specifying what data you would like to see.

Our responsibilities are

- To acknowledge your request
- To inform you if we have any personal data about you and if we have;
- To reply within 40 days.
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Ilkley Grammar School does not currently charge any fee for Subject Access

Guidelines

Under the Data Protection Act you have the right to ask for a copy of the information we hold about you. You are only entitled to make a request for personal information on behalf of another living adult if you have authorisation to do this.

Parents or guardians are allowed to make a request for personal information on behalf of their children, although if the children are aged 12 or over then they must give their permission for this.

There is various information that we need from you to help us to find the information that you are interested in and to deal with your request as quickly as possible. We also need you to prove who you are, as we have to be sure that we're giving your personal information out to the correct person. The form below sets out exactly what information we need from you and what you have to give us to prove your identity.

Appendix 1 – Data Protection Information Request Form

1 Who is the Data Subject?

Mr/Mrs/Miss/Ms _____

Date of Birth _____

Address _____

Postcode _____

If the Data Subject has lived at this address for less than 2 years, please tell us their previous address

Post code _____

Telephone No _____

E-mail address _____

2 Has the Data Subject ever been an employee of Ilkley Grammar School?

Yes

No

Don't know

3 What are your Personal Details?

(a) Are you the Data Subject?

Yes

If you answered 'Yes', go straight to Question 5

No

If you answered 'No' please provide the information below and go to Question 4

Data Subject's full name

Mr/Mrs/Miss/Ms _____

Date of Birth _____

Address _____

Post code _____

Telephone No _____

6 Proof of Identity

To help us process your request we need to establish your identity by providing suitable ID. To confirm the Data Subject's identity you must send one of the documents listed below. Please tick the appropriate boxes to indicate which documents you have enclosed.

Full Valid Driving licence issued by a member state of the EC/EEA	<input type="checkbox"/>
Birth Certificate or Certificate of Registry of Birth or Adoption certificate	<input type="checkbox"/>
Full Valid Current Passport	<input type="checkbox"/>
Gas, electricity, water or telephone bill in the Data Subject's name for the last quarter	<input type="checkbox"/>
Council Tax demand in the Data Subject's name for the last quarter	<input type="checkbox"/>
Bank, building society or credit card statement in the Data Subject's name for the last quarter	<input type="checkbox"/>
Letter to Data Subject from solicitor/social worker/probation officer in the last quarter	<input type="checkbox"/>

7 Formal Declaration

In exercise of the right granted to me under the terms of the Data Protection Act 1998, I request that you provide me with a copy of the Personal Data about the Data Subject which you process for the purposes I have indicated above.

I confirm that this is all of the Personal Data to which I am requesting access. I also confirm that I am either the Data Subject, or am acting on their behalf

Signed _____

Print Name _____

Date _____

Make sure you have:

- (a) Completed this form
- (b) Signed the declaration above
- (c) Enclosed photocopies of proof of identification document

Please send them to:

Business & Finance Director – Data Protection Request, Ilkley Grammar School, Cowpasture Road, Ilkley, West Yorkshire, LS29 8TR.

We recommend that you send your form and documents by secure method e.g. Recorded Delivery.

Note: The period of 40 days in which Ilkley Grammar School must respond to the request will not commence until it is satisfied upon these matters.

Ilkley Grammar School does not currently charge any fee for Subject Access.