

The Active Learning Trust Data Protection Policy

This document is a statement of the aims and principles of the Trust, for ensuring the appropriate handling of personal and sensitive information relating to staff, pupils, parents/carers and governors.

This policy takes due note of the information and guidance published by the Information Commissioners Office

(http://www.ico.gov.uk/for_organisations/sector_guides/education.aspx)

It is the responsibility of the Trust to ensure registration with the ICO is undertaken.

1. Introduction

Each school/academy within the Trust will establish and regularly update its own Data Protection Policy and make this freely available to staff, pupils, and parents/carers. The Local Governing Body of the school/academy will be responsible for ensuring that the policy is regularly updated and that its principles are in accordance with the Data Protection of the Trust as set out in this document.

1.1 All schools in the Trust need to keep certain information about our employees, pupils and other users to allow us, for example, to monitor performance, achievement, and health and safety.

1.2 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, the Trust and its school will comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the 1998 Act).

1.3 In summary these principles state that personal data shall:

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

1.4 All staff who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the Trust has developed this Data Protection 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 School/Academy from time to time. Any failures to follow the policy can result in disciplinary proceedings.

2. The Data Controller and the Designated Data Controllers

2.1 The Academy Trust as the corporate body is the Data Controller under the 1998 Act, and the Directors are therefore ultimately responsible for implementation and compliance.

The Trust's Operations Manager is the Designate Data Controller for the Trust. However, the Designated Data Controllers in each Academy will deal with day to day matters including data subject access requests to personal information.

2.2 Each school/academy will have two Designated Data Controllers: They are the

- Headteacher or Principal and
- A named Senior Member of the office staff.

2.3 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.

3. Responsibilities of Staff

3.1 All staff are responsible for:

i. Checking that any information that they provide to the school/academy in connection with their employment is accurate and up to date.

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

iii. Handling all personal data (eg – pupil attainment data) with reference to this policy, the school/academy Data Protection Policy (with particular reference to confidentiality) and the guidelines in the staff handbook.

4. Data Security

4.1 All staff are responsible for ensuring that:

i. Any personal data that they hold is kept securely.

ii. 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.

4.2 Unauthorised disclosure will usually be dealt with as a disciplinary matter, and may be considered gross misconduct in some cases.

4.3 Personal information should:

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i. Be kept in a locked filing cabinet, drawer, or safe;
or

ii. If it is computerised, be encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and

iii. If a copy is kept on a usb memory key or other removable storage media, that media must itself be encrypted/password protected and/or kept in a locked filing cabinet, drawer, or safe.

5. Rights to Access Information

5.1 All staff, parents and other users are entitled to:

i. Know what information the school/academy holds and processes about them or their child, and why.

ii. Know the procedure for requesting access to it where they are the subject of the personal data stored.

iii. Know how to keep it up to date.

iv. Know what the school/academy is doing to comply with its obligations under the 1998 Act.

5.2 The school/academy will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data held and processed about them, and the reasons for which they are processed.

5.3 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 make a request in writing and submit it to the Designated Data Controller.

5.4 The Trust and/or each individual school may make a charge on each occasion that access is requested, although the Principal has discretion to waive this. Any charges will be based on the extent to which information is readily available and/or the amount of staff resource needed to respond fully to the access request.

5.5 The Trust and each individual school/academy will 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.

6. Retention of Data

6.1 The Trust and each individual school/academy has a duty to retain some staff and pupil personal data for a period of time following their departure from the school/academy, mainly for legal reasons such as reporting to HMRC, but also for other purposes such as being able to provide references.

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Different categories of data will be retained for different periods of time.

7. Monitoring and Evaluation

7.1 This policy will be reviewed bi-annually, or if there are changes to relevant legislation