

St Mary's Catholic Primary School

Data Protection Policy

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Privacy Notice for Pupils and their families

The Data Protection Act 1998: How we use your information

We process personal data relating to pupils and their families at **St Mary's Catholic Primary**, and may also receive information regarding them from their previous school, LA and/or the DfE. We use this personal data to:

- Support our pupils' learning.
- Monitor and report on their progress.
- Provide appropriate pastoral care.
- Provide statutory services, e.g. assessment for free school meals eligibility.
- Protect and safeguard our pupils.
- Assess the quality of our services.

The personal data we collect includes contact details, national curriculum assessment results, attendance information, any exclusion information, data regarding their next school or educational institution, and personal characteristics such as ethnic group, any special educational needs and disabilities (SEND) they may have, and relevant medical information.

We are required to pass on certain personal information to our LA and the DfE. Our LA uses personal information about pupils to whom it provides its services, in order to carry out its statutory functions; this may include a SEND assessment, assessment for free school meals eligibility, the admissions process, or to provide information for support services. The LA also uses personal information to derive statistics which inform future decisions and assessments of the performance of the school.

The LA may also share information with other organisations where appropriate, and in accordance with the Data Protection Act 1998; this includes, but is not limited to, the following:

- Primary care trusts
- The police
- Providers of youth support services in the area
- Other LAs
- Further educational institutions

The DfE may also share pupil level personal data supplied to them with third parties, though this will only occur where it is a legal requirement and in compliance with the Data Protection Act 1998. Decisions regarding whether the DfE releases this personal data to third parties are subject to a robust approval process, and are based on a detailed assessment of the person who is requesting the data, why it is required, the level and sensitivity of data requested, and the arrangements in place for storing the data. To gain access to pupil level personal data, requestors must comply with the terms and conditions surrounding the confidentiality and handling of data, security arrangements, and retention and use of data.

Publication of photos on school website / in the media of TV or newspaper press

We seek parental permission for the publication of children's images on the school website and children are not named. If a child (or children) is photographed and is required to be named in a TV or press article, parental consent is always sought in advance.

1. Legal framework

- 1.1. This policy has due regard to legislation, including, but not limited to the following:
- The Data Protection Act 1998 and any subsequent relevant legislation, to ensure personal data is treated in a manner that is fair and lawful.
 - Birmingham City Council's Children, Young People and Families Directorate advice and guidance.
 - The Freedom of Information Act 2000
 - The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
 - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
 - The School Standards and Framework Act 1998
- 1.2. This policy will also have regard to the following guidance:
- Information Commissioner's Office (2014) 'Subject access code of practice'

2. Data Gathering

- 2.1. All personal data relating to staff, pupils or other people with whom we have contact, whether held on computer or in paper files, are covered by the Act.
- 2.2. Only relevant personal data may be collected and the person from whom it is collected should be informed of the data's intended use and any possible disclosures of the information that may be made.

3. Data Storage/Security

- 3.1. Personal data will be stored in a secure and safe manner.
- 3.2. Electronic data will be protected by standard password and firewall systems operated by the school.
- 3.3. Computer workstations in administrative areas will be positioned so that they are not visible to casual observers waiting either in the office or at the reception hatch.
- 3.4. Manual data will be stored where it not accessible to anyone who does not have a legitimate reason to view or process that data.
- 3.5. Particular attention will be paid to the need for security of sensitive personal data.

4. Data Checking

- 4.1. The school will issue regular reminders to staff and parents to ensure that personal data held is up-to-date and accurate.
- 4.2. Any errors discovered would be rectified and, if the incorrect information has been disclosed to a third party, any recipients informed of the corrected data.

5. Data Disclosures

- 5.1. Personal data will only be disclosed to organisations or individuals for whom consent has been given to receive the data, or organisations that have a legal right to receive the data without consent being given.
- 5.2. When requests to disclose personal data are received by telephone it is the responsibility of the school to ensure the caller is entitled to receive the data and that they are who they say they are. It is advisable to call them back, preferably via a switchboard, to ensure the possibility of fraud is minimised.
- 5.3. If a personal request is made for personal data to be disclosed it is again the responsibility of the school to ensure the caller is entitled to receive the data and that they are who they say they are. If the person is not known personally, proof of identity should be requested.
- 5.4. Requests from parents or children for printed lists of the names of children in particular classes, which are frequently sought at Christmas, should politely refused as permission would be needed from all the data subjects contained in the list. (Note: A suggestion that the child makes a list of names when all the pupils are present in class will resolve the problem.)
- 5.5. Personal data will not be used in newsletters, websites or other media without the consent of the data subject.
- 5.6. Routine consent issues will be incorporated into the school's pupil data gathering sheets, to avoid the need for frequent, similar requests for consent being made by the school.
- 5.7. Personal data will only be disclosed to Police Officers if they are able to supply a WA170 form which notifies of a specific, legitimate need to have access to specific personal data. This form is the agreed procedure between Birmingham City Council and West Midlands Police.
- 5.8. A record should be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.

6. Subject Access Requests

- 6.1. If the school receives a written request from a data subject to see any or all personal data which the school holds about them this should be treated as a Subject Access Request and the school will respond within the 40 day deadline.
- 6.2. Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and the school will comply with its duty to respond within the 40 day time limit.

7. Data retention

- 7.1. The Data Protection Act states that data should not be kept for longer than is necessary.
- 7.2. In the case of St Mary's Catholic Primary School, unrequired data is deleted as soon as practicable.
- 7.3. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.
- 7.4. Paper documents are shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

8. Policy review

- 8.1. This policy is reviewed every **two years** by the SMT with the Headteacher.
- 8.2. The scheduled review date for this policy is **March 2018**.