

**ST JOSEPH'S COLLEGE**  
**DATA PROTECTION POLICY**

<b>Date of Latest Review:</b>	May 2018
<b>Next Review Date:</b>	September 2019
<b>Policy Available for Staff at:</b>	VLE
<b>Policy Available for Parents at:</b>	Main Office
<b>Headteacher:</b>	Ms M Roberts

## **Introduction**

St Joseph's College is fully committed to comply with the requirements of the General Data Protection Regulations (GDPR) with effect from May 25 2018. Regulations apply to anyone processing personal data. It sets out principles which should be followed and it also gives rights to those whose data is being processed.

To this end, St Joseph's College endorses fully and adheres to the Data Protection Principles listed below. When processing data we will ensure that is:

- Processed lawfully, fairly and in a transparent way ('lawfulness, fairness and transparency'); and
- Processed no further than the legitimate purposes for which that data was collected ('purpose limitation')
- Limited to what is necessary in relation to the purpose ('data minimisation'); and
- Accurate and kept up to date ('accuracy'); and
- Kept in a form which permits identification of the data subject for no longer than is necessary ('storage limitation'); and
- Processed in a manner that ensures security of that personal data ('integrity and confidentiality'); and
- Processed by a controller who can demonstrate compliance with the principles ('accountability').

St Joseph's College needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. 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, St Joseph's College must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the 1998 Act). In summary these state that personal data shall:

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

St Joseph's College and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the School has developed this Data Protection Policy.

## **1. Data Protection Controller**

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. Any failures to follow the policy can therefore result in disciplinary proceedings.

St Joseph's College has an appointed Data Protection Controller (DPC) who will seek to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998.

## **2. The Principles**

The school shall so far as is reasonably practicable comply with the Data Protection Principles contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed
- Processed for specified, lawful purposes
- Adequate, relevant and not excessive
- Accurate and kept up to date
- Not kept for longer than necessary
- Processed in accordance with the individual's legal data rights
- Securely protected against unauthorised processing, accidental loss, destruction or damage
- Not transferred to other countries outside the European Economic Area, unless that country has equivalent levels of protection for personal data

## **3. Personal Data**

Definitions of personal data are highly complex, and it is difficult to define categorically. However, broadly speaking and in day-to-day use, 'personal data' is information which relates to a living, identifiable individual.

In the context of this document and the School's requirement to process 'personal data' as part of its duty of care and to educate its pupils, 'personal data' may include:

- school admission and attendance registers
- pupil's curricular records
- reports to parents on the achievements of their children
- records in connection with pupils entered for prescribed public examinations
- staff records, including payroll records
- pupil disciplinary records
- personal information for teaching purposes
- records of contractors and suppliers

## **4. Processing Personal Data**

If it is necessary for the School to process certain personal data to fulfil its obligations to pupils and their parents or guardians then consent is not required. However, any information which falls under the definition of personal data, and is not otherwise exempt (see part 9), will remain confidential. Data will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

## 5. Sensitive Personal Data

'Sensitive data' may include:

- ethnic or racial origin
- political opinions
- religious beliefs
- other beliefs of a similar nature
- membership of a trade union
- physical or mental health or condition
- sexual life
- offence or alleged offence
- proceedings or court sentence

Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will be required in writing.

## 6. Rights of Access

Individuals have a right of access to information held by the School. Any individual wishing to access their personal data should put their written request to the Data Protection Controller. The School will try to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to reply to an access to information request. Parents and guardians do have right of access to their child's educational record. They should make the request in writing to the Clerk to the Governors.

It is important to note that certain data is exempt from the right of access under the Data Protection Act. This can include:

- information which identifies other individuals
- information which the School reasonably believes is likely to cause damage or distress
- information which is subject to legal professional privilege
- pupil examination scripts

The School will also treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However such a reference will only be disclosed if doing so does not identify the referee or where notwithstanding this, the referee has given their consent or if disclosure is considered reasonable.

<p><b>Please note: the School may charge an administration fee of up to £10.00 for providing this information.</b></p>
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## 7. Data Rights

Under the Data Protection Act, the rights to the data belong to the individual to whom the data relates. However, in most cases, the School will rely on parental consent to process data relating to pupils unless, given the circumstances and the pupil's age and understanding, it is unreasonable to rely on the parent's consent. Parents should be aware that in such situations they may not be

consulted. These situations are very rare, and it is a general policy in the School to always seek parental or guardian consent before processing a child's personal data.

The School is legally required to give a pupil access to their personal data if in the School's reasonable belief the pupil understands the nature of the request and its implications. However, it should be noted that in accordance with Section 30 of the Exemptions to the Data Protection Act 1998, if the School does not consider it appropriate for a pupil to see a particular document which a pupil has asked to see and even obtained a parental request for access to that data, the School can withhold access.

Where a pupil seeks to raise private concerns confidentially with a member of staff and makes it clear they do not want the data passed on to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the very best interests of the pupil or other pupils.

## **8. Exemptions**

Certain data is exempted from the provisions of the Data Protection Act:

- The prevention or detection of crime
- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School

There are other exemptions under the Act. Requests for further information on exemptions should be made to the School Data Protection Controller.

## **9. Disclosure of Information**

The School confirms that it will not generally disclose information about individuals, unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However, for the following purposes, the school does intend to disclose data as is necessary to third parties:

- To give confidential references for any educational institution which the pupil may wish to attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the School.
- To disclose medical details of a pupil's medical condition where it is in the pupil's interests to do so (eg. to organisers of a school trip).
- To give information to the Department of Education for statistical purposes (see Appendix 1)

When the School receives a disclosure request from a third party it will always take action to establish the identity of that third party before making any disclosure.

## **10. Use of Personal Information by the School**

As part of the entry procedure into the School at any age, all pupils are asked to sign an agreement giving the School their consent to use their personal data for:

- Use of photographic images in School publications or on the school website. (see Appendix 2)
- Fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School.

**11. Accuracy**

In accordance with the Data Protection Act 1998 it is School policy to ensure that any personal data held about an individual is accurate. Conversely, the School will seek to encourage all pupils and staff to notify the Data Protection Controller of any changes to information held about them (change of address, change of marital status etc). The School recognises the individual right to request that inaccurate information about them is erased or corrected.

**12. Security**

Where it is reasonably practicable, the School will take steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held in a secure central location and is not accessible to unauthorised persons.

**13. CCTV**

The school will follow all guidelines in the use of CCTV within school.

**14. Enforcement**

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should make a complaint to the School and notify the Data Protection Controller.

## **PRIVACY NOTICE - DATA PROTECTION ACT 1998**

We St Joseph's College are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning
- Monitor and report on your progress
- Provide appropriate pastoral care, and
- Assess how well your school is doing

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

### **In addition for Secondary and Middle deemed Secondary Schools**

Once you are aged 13 or over, we are required by law to pass on certain information to providers of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide both your and your parent's/s' name(s) and address, and any further information relevant to the support services' role. However, if you are over 16, you (or your parent(s)) can ask that no information beyond names, address and your date of birth be passed to the support service. This right transfers to you on your 16th birthday. Please inform the Office Manager if you wish to opt-out of this arrangement. For more information about young peoples' services, please go to the Directgov Young People page at [www.direct.gov.uk/en/YoungPeople/index.htm](http://www.direct.gov.uk/en/YoungPeople/index.htm)

***We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.***

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use(s) of the Local Authority.

If you want to see a copy of the information about you that we hold and/or share, please contact the Office Manager.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

[www.stoke.gov.uk](http://www.stoke.gov.uk)

<http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

<ul style="list-style-type: none"><li>• Data Protection Office Children &amp; Young People's Services Civic Centre Glebe Street Stoke-on-Trent, ST4 1HH</li></ul>	and	<ul style="list-style-type: none"><li>• Public Communications Unit Department for Education Sanctuary Buildings Great Smith Street London SW1P 3BT Website: <a href="http://www.education.gov.uk">www.education.gov.uk</a> email: <a href="http://www.education.gov.uk/help/contactus">http://www.education.gov.uk/help/contactus</a> Telephone: 0370 000 2288</li></ul>
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## **E-Mail, Internet and Photographs**

### **Please read and sign the policy below**

Pupil Name: \_\_\_\_\_ Form: \_\_\_\_\_

I have read and understand the school e-mail and Internet Use Good Practice Policy. I will use the computer system and Internet in a responsible way and obey these rules at all times.

Pupil Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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### **Parent/Carer's Consent for Internet Access**

I have read and understand the school e-mail Internet Use Good Practice Policy and give permission for my son/daughter to access the Internet. I understand that the school will take all reasonable precautions to ensure pupils cannot access inappropriate materials. I understand that the school cannot be held responsible for the nature or content of materials accessed through the Internet. I agree that the school is not liable for any damages arising from the use of the Internet facilities.

Parent/Carer Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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### **Parent/Carer's consent for Web Publication of Work and Photographs**

I agree that, if selected, my son/daughter's work may be published on the school web site. I also agree that photographs that include my son/daughter may be used for publicity purposes where appropriate.

Parent/Carer Name: \_\_\_\_\_ Date: \_\_\_\_\_