



Data Protection Policy

Date of Adoption by Governing Body: _____

Chair of Governor's Signature: _____

Date to be Reviewed: September 2017

INTRODUCTION

This policy will help the school to comply with the guidance and Codes of Practice issued under the Data Protection Act (DPA), Environmental Regulations (EIR) and Freedom of Information Act (FOIA). It will address dealing with requests for information, records management, security and access to information and use of E-mail and Internet.

The Policy sets out how the school does or will comply with the Acts.

- It follows the Codes of Practice under DPA, EIR & FOIA;
- It follows the best practice recommended by the Information Commissioner;
- It incorporates the recommendations of the Public Records Office on record management;
- The Policy refers to the school's Publication Scheme, how it works and how it can be accessed.

What is information?

Information means any record the school holds in any form. This includes documents, plans and all other types of recorded information and personal information.

Individuals can ask for any records the school holds and under current legislation the information must be provided, unless an exemption is applied or the enquirer, having been notified of the charges applicable, does not pay.

MAKING INFORMATION AVAILABLE

The school, as a public body, is open and accountable and will make information available in line with the Data Protection Act, Environmental Regulations and Freedom of Information Act and will only apply exemptions when absolutely necessary. If an exemption applies, individuals will be advised they cannot have the information they have requested and where appropriate, be given the reason why information is being withheld.

The school will make all information that it holds available unless an exemption is applied or, in respect of FOIA, the cost of supplying the information exceeds the regulatory cost threshold (currently £450), or the enquirer, having been notified of the charges applicable, does not pay.

The school already makes most reports, minutes and reasons for decisions available to the public on request, which complies with the spirit of the legislation to promote openness and accountability.

Personal Data will be collected, stored, used and disclosed with due regard to the requirements of the Data Protection principles. Requests for personal data will be dealt with under the terms of the Data Protection Act.

Requests for environmental information will be dealt with in accordance with Environmental Information Regulations.

All other requests for information will be dealt with under the terms of the Freedom of Information Act.

Staff will be provided with training on access to information regimes.

A Publication Scheme will be maintained, in line with the FOIA. It will list the information the school makes readily available and it will advise how it can be obtained and whether any charges apply. The Publication Scheme will be updated as and when appropriate and will be subject review at least every two years, by the Governing Body.

Responsibility

The Chair of Governors and the Headteacher will jointly consider all requests where a public interest test is applied, or where there is any doubt on whether or not an exemption should be applied. In applying the public interest test they will:

- Document clearly the benefits from both disclosing and withholding the requested information;
- Where necessary seek guidance on case law in deciding where the balance lies.

Reasons for disclosing/not disclosing the information will be reported to the next governing body meeting.

The day-to-day responsibility for implementation of the school's governing body's Information Policy and the provision of advice, guidance, publicity and interpretation of the policy is delegated to the Headteacher. The Headteacher will be a single point of reference and will:

- Oversee all requests for information;
- Ensure systems are in place to deal with requests and to co-ordinate/update the Publication Scheme;
- Consider what information, training and guidance staff may need;
- Be responsible for maintaining a log of all requests received and for ensuring they are responded to within the prescribed timescales;
- Ensure a record of refusals and reasons for refusals is kept, allowing the governing body to review this policy at least every two years or when a major change to the policy, or its related legislation, takes place.
- Take a view on possibly sensitive areas.

How the school manage requests for information

- The school will provide reasonable advice and assistance to individuals if they need help in putting a request for information together.
- Requests will be acknowledged within one school day.
- If there is any doubt on the scope of information requested clarification will be sought from the applicant.
- Requests will be responded to within the prescribed timescales.
- In some cases the disclosure of information may affect the rights of a third party. In such circumstances the school will ensure that disclosure of such information will be in line with FOI, DP and EIR legislation.
- Where the school receives a request to be dealt with under FOIA and some or all of the information is not held by the school and it is believed that another public authority may hold that information, then the school will ask the applicant if they wish the request to be transferred to the other authority once the information, held by the school has been disclosed. If the school is unable to facilitate the transfer of the request for information to another authority then, where possible, the applicant will be offered advice to enable him/her to pursue the request.
- The school will comply with its obligations on requests transferred by another public body in the same manner as it would have had the request been received directly by the school.

Charging for providing information

The school may, in some circumstances, charge an individual for releasing information in accordance with regulations. Charging for supplying information will be in line with current regulations.

- ♦ **FOI & EIR** requests: the school will use their FOI Publication Scheme and charges will be made in line with current regulations. Once the individual has been notified that a fee is

payable, if this not received within 3 months of the notification, the request will be deemed to have lapsed.

- ♦ **DP** - charges will be made in line with current regulations.

If a charge applies, written notice will be given to the applicant and payment must be received before supplying the information requested.

Monitoring & Evaluation

The Headteacher will be responsible for periodically monitoring requests received and action taken to ensure that the school is complying with information legislation and report annually to the Governing Body.

Complaints

Expressions of dissatisfaction will be handled through the school's existing general complaints procedure.

RECORDS MANAGEMENT/SECURITY & CONTROL OF INFORMATION

The school recognises that the efficient management of its records and information is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the school.

- The school will ensure that records are well managed and controlled.
- Protocols will be in place to ensure the school knows what information is held and by whom.
- The school will ensure that records are retained for the appropriate period and no longer, unless there are special reasons for doing so.
- The school will ensure that records are held safely and securely, with access restricted where appropriate and in line with the requirements of relevant legislation.
- The school will ensure that all stored data is held in an appropriate manner and any remote devices are suitably encrypted.
- The school will ensure that use of E-mail is properly controlled and monitored.
- The school will ensure that use of the Internet is properly controlled (in line with the school's E-Safety/Acceptable Use Policies).
- The school will periodically review and monitor its records management systems to ensure, standards, procedures, guidelines and security measures are in place and that records are held no longer than necessary.

TRAINING

The school will ensure that appropriate guidance and training is given to the relevant staff, governors and other authorised school users on handling requests, records management, security and access to information, using Emails and the Internet.

COPYRIGHT

When providing information, the school will ensure that there is no infringement of copyright legislation.

GENERAL

Any user who contravenes this guidance will be dealt with in accordance with the nature of the breach. This may include disciplinary action and/or informing the Police where appropriate.