



Chiltern Way Academy

Turning Futures Around

Data Protection Policy

Responsibility for this policy (job title): Data Protection Officer

Governors' committee with responsibility for its review: FGP

Approved: 14.05.2018 (FGB)

Next Review Date: Summer 2020

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Introduction

Chiltern Way Academy (CWA) collects and uses personal information about staff, students, parents and other individuals who come into contact with the Academy. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the Academy complies with its statutory obligations.

Academies have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Academies also have a duty to issue a Privacy Notice to all students/parents, this summarises the information held on students, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulations, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

General Data Protection Regulations

Principals Relating to Processing of Personal Data

The General Data Protection Regulations establishes enforceable principles that must be adhered to at all times:

1. Personal data will be used fairly and lawfully
2. Personal data will be used for limited, specifically stated purposes
3. Personal data will be used in a way that is adequate, relevant and not excessive
4. Personal data will be accurate
5. Personal data will be kept for no longer than is absolutely necessary
6. Personal data will be kept safe and secure

The Controller shall be responsible for, and be able to demonstrate with, the above (accountability)

General Statement

CWA is committed to maintaining the above principles at all times. Therefore the Academy will:

- Inform individuals why the information is being collected when it is collected.
- Inform individuals when their information is shared, and why and with whom it was shared.
- Check the quality and the accuracy of the information it holds.
- Ensure that information is not retained for longer than is necessary.
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely.
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Share information with others only when it is legally appropriate to do so.
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure our staff are aware of and understand our policies and procedures.

Complaints

Complaints will be dealt with in accordance with the Academy's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Data Protection Officer, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact the Academy Data Protection Officer who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745

Appendix 1

Chiltern Way Academy

Procedures for responding to subject access requests made under the General Data Protection Regulations

Rights of access to information

Under the General Data Protection Regulations (GDPR) any individual has the right to make a request to access the personal information held about them and confirmation that their personal data is being processed as well as other information as described in Article 15 of the GDPR

Subject Access Request Actions

1. Requests for information must be made in writing; which includes email, and be addressed to the Academy Principal. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- Passport.
- Driving licence.
- Utility bills with the current address.
- Birth / marriage certificate.
- P45/p60.
- Credit Card or Mortgage statement.

This list is representative not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (UK minimum age is 13) and the nature of the request. The Head of Campus should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or carer shall make the decision on behalf of the child.

4. The Academy may make a charge for the provision of information, dependent upon the following:

Should the Academy believe a request is manifestly unfounded or excessive, particularly if it is repetitive.

Should it be a request for further copies of the same information from the same requester.

5. When responding to subject access request the Academy will provide the Information without delay and at the latest within one month of receipt.

The Academy will be able to extend the period of compliance by a further two months where requests are complex or numerous. If this is the case, the Academy will inform the individual within one month of the receipt of the request and explain why the extension is necessary.

6. The General Data Protection Regulation allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent will normally be obtained. There is still a need to adhere to the statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another will not be disclosed, nor will information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice will be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed will be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the Academy with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant will be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Data Protection Officer who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Academy's complaint procedure.

Complaints which are not appropriate to be dealt with through the Academy's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk .