



# Data Protection Policy

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(Headteacher)

Signed.....*Sadna M.*.....Date...*24-5-18*  
(Chair of Governors)

## **Data Protection Policy**

Lansbury Bridge School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. 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 school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO). These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice (Privacy Notice) to all pupils/parents, this summarises the information held on pupils, 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 Data Protection 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.

### **Collection, Storage and Access to Special Category Data**

Characteristics of Special Category Data can include any of the below:

- Political opinions
- Trade union membership
- Race
- Health data
- Disability
- Gender reassignment
- Sexual orientation
- Religion
- Genetic data
- Biometric data where processed to uniquely identify a person

In order to comply with legislation, Lansbury Bridge School will ensure that where Special Category Data is collected and consent is required, the school will obtain a signature of consent from the individual providing the data (be it pupil, parent or staff). Lansbury Bridge School will ensure that access to the data provided is restricted only to

those with responsibility and authority to view the data. Consent will be given in line with the consensual legislation outlined in the GDPR.

As per GDPR legislation, a person can withdraw consent at any given time and the processing of the information will be ceased unless there is other lawful basis in which to continue.

### **Data Protection Principles**

Article 5 of the GDPR requires that all personal data held shall be:

1. processed fairly and lawfully and in a transparent manner;
2. obtained only for one or more specified and lawful purposes;
3. adequate, relevant and not excessive;
4. accurate and kept up to date allowing inaccurate data to be corrected or rectified without delay;
5. not kept for longer than is necessary for that purpose or those purposes;
6. processed in a manner that ensures security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **General Statement**

The school is committed to maintaining the above principles at all times.

Therefore the school 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**

As per Lansbury Bridge School's Privacy Notice, should anyone have a concern or a complaint surrounding the way in which we are collecting or using personal data, you can either initially speak/write to Cathryn Lewin, School Business Manager at

Lansbury Bridge School, Lansbury Avenue, St Helens, WA9 1TB – 01744 678579  
[lansbury@sthelens.org.uk](mailto:lansbury@sthelens.org.uk) or liaise with the Information Commissioner's Office (ICO  
- the statutory regulator) – <https://ico.org.uk/concerns>

### **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 Headteacher, or nominated representative.

### **Contacts**

If you have any enquires in relation to this policy, please contact the Acting Headteacher 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](http://www.ico.gov.uk) or telephone 01625 545745.

## Appendix 1

### Lansbury Bridge School

Lansbury Bridge School follows the procedures for responding to subject access requests in line with the Data Protection legislation. If the Subject Access Request is in relation to a child's records, Lansbury Bridge School will follow the procedure set out in The Education Regulations 2005.

**Article 15 of the GDPR** gives an individual the right to obtain;

- Confirmation that their data is being processed
- Access to their personal data
- Other supplementary information

These procedures relate to subject access requests made under the lawfulness of GDPR.

### Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Ms H Birkinhead & Mrs R Clarkson, Acting Headteachers. 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. 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 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 (normally age 12 or above) and the nature of the request. The Headteacher 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 guardian shall make the decision on behalf of the child.

4. There will normally be no charge for an access request. However, a 'reasonable fee' can be charged for further copies of the same information and when a request is manifestly unfounded or excessive, particularly if it is repetitive.

5. The response time for subject access requests, once officially received is no later than **one month**. This can be extended by a further 2 months if the case is particularly

complex or where there are numerous requests. The Data Subject will be informed no later than one month from the initial request should this be the case.

6. The GDPR may allow 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 should normally be obtained. There is still a need to adhere to the one month statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should 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 should be sought.

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

11. Information disclosed should 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 school 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 should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

## **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact Ms H Birkinhead & Mrs R Clarkson, Acting Headteachers.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745.