



Heathfield Schools' Partnership

DATA PROTECTION AND FREEDOM OF INFORMATION POLICY

June 2016

Review June 2018,
or sooner due to amendments to legislation

PURPOSE

The storage, use and controlled publication of information is an important aspect of the work of Heathfield Schools' Partnership This policy covers:

- Protection of confidential information on staff and students in line with the Data Protection Act 1998.
- Data handling and protection arrangements
- To satisfy the legal obligation to supply certain information to enquirers under the Freedom of Information Act 2000 (FOIA)
- The length of time that different classes of document will be retained

POLICY STATEMENT

Heathfield Schools' Partnership will:

- Protect the right of school personnel to privacy
- Allow Heathfield Schools' Partnership staff and students their right to their personal data in line with the Data Protection Act 1998
- Meet its legal obligation to supply certain information to enquirers under the Freedom of Information Act 2000 (FOIA) and keep the scope and accuracy of this information under review
- Be clear and proactive about the information it makes public
- Comply with relevant statutory or regulatory requirements for retention of data
- Minimise unnecessary retention of document

RESPONSIBILITIES

Heathfield Schools' Partnership will:

- Comply with the legal requirements under the Data Protection Act 1998 (DPA) and Freedom of Information Act (FOIA)
- Register with the Information Commissioner's Office
- Delegate powers and responsibilities to the Information Controller, the Executive Headteacher of Heathfield Schools' Partnership
- Have responsibility for the effective implementation, monitoring and evaluation of this policy.

The Information Controller will:

- Will ensure that Heathfield Schools' Partnership comply with the Data Protection Act 1998 and the eight data protection principles
- Be the Data Controller within the meaning of the DPA
- Put procedures in place to manage and respond to requests for access to personal data under the DPA or for information requested under the FOIA
- Ensure security measures and confidential systems are in place to protect personal data and student records
- Ensure that data required for Business Continuity is identified and implement procedures to ensure safe keeping of both electronic and paper records should a physical or electronic disaster occur that could risk loss of this data.
- Ensure that Heathfield Schools' Partnership staff are aware of their rights and their responsibilities
- Ensure that all personal data is accurate and that inaccurate data is corrected or erased and manage the disposal of documents as laid out in this policy

Staff will:

- Follow the safe and confidential system procedures that are in place to protect personal data and student records
- If a breach in data security occurs, it shall be reported to the Data Controller immediately. Procedures shall be implemented to address the breach of data security and prevent future breaches of security.
- Apply in writing for access to their personal data
- Comply and respect confidentiality of personal information when involved with interviewing new school personnel
- Inform the school of any changes to their personal data

1. DATA PROTECTION

1.1 Principles

The Data Protection Act 1998 applies to anyone who handles or has access to information about individuals and gives rights to the individuals on whom the information is held. By law, employers and employees must follow the rules set out in the Act and help to protect individuals' rights. The Act seeks to ensure that information held on computers and in some paper-based systems is managed properly. Employers and employees must protect personal information by following the eight principles of good practice. Heathfield Schools' Partnership recognises that personal information is confidential and that unauthorised disclosure is a breach of contract and an offence under the Data Protection Act.

The eight principals of the data protection are that anyone who processes personal information must make sure that it is:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than is necessary
- Processed in line with the right of the individuals
- Not sent to countries outside the European Economic Area without adequate protection.

Heathfield Schools' Partnership will review the data which it holds using the ICO's Checklist contained in Appendix B.

1.2 Security Measures

Heathfield Schools' Partnership will conduct a regular review of the security of all information in line with the good practice in the Information Commissioner's Office (ICO) Data Protection Good Practice Note "Security of personal information".

The measures put in place will ensure that computers and servers comply with appropriate regulations and are secure with:

- Anti-virus software
- Firewall software
- Passwords
- Encryption – as deemed necessary

Heathfield Schools' Partnership personnel are trained to:

- Be discreet and confidential
- Consider the safe and secure positioning of computers
- Back up data
- Turn off computers when not in use
- Remember password access
- Lock filing cabinets and doors to offices
- Shred confidential material
- Clear their desk before leaving work

1.3 Rights of Individuals

Individuals have the right:

- To know what data Heathfield Schools' Partnership holds about them on a computer (and other formats in some circumstances)
- To know when their data is being processed, the reason it is being processed and the name of the person or organisation requesting the information.
- To ask Heathfield Schools' Partnership not to process information, which could be harmful to them
- To go to court to correct, block, remove or destroy inaccurate information
- To stop data being processed for direct marketing

1.4 Data Protection and Staff

Heathfield Schools' Partnership will comply with the good practice contained in ICO's Employment Practices Code.

All requests from school personnel for access to their own data must be made in writing and sent to the Information Controller. Responses to requests for information will be made within 40 days.

Personal data cannot be disclosed to a third party without the consent of this individual except when it is legally required.

1.5 Data Protection and Students

Students and in some cases parents have a right of access to educational records about the student. Heathfield Schools' Partnership will comply with the provisions of the DPA and the related technical guidance "Access to pupils' information held by schools in England".

Individuals are not entitled to examination results until they have been released.

Requests for information must be made to the Executive Headteacher of Heathfield Schools' Partnership and a response should be received within 15 days.

Any decision to publish student examination results will be in line with the ICO Good Practice Note "Publication of examination results by schools".

1.6 Photographs

Heathfield Schools' Partnership will adopt the good practice on taking photographs in schools in line with the ICO Good Practice Note "Taking Photographs in Schools".

2. PUBLISHING INFORMATION

The school welcomes its duties under the FOIA 2000 and is committed to:

- Providing certain information to enquirers
- Providing advice and assistance to anyone requesting information
- Ensuring that personal information is not made public

To meet these duties, Heathfield Schools' Partnership has adapted the ICO's model publication scheme for schools. Heathfield Schools' Partnership's publication scheme is shown in Appendix C.

Most of the information will be published through the Heathfield Schools' Partnership website or can be obtained by writing to the Information Controller.

Single copies of information covered by this publication are normally provided free. If a request means that Heathfield Schools' Partnership will have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request.

2.1 Dealing with a Request for Information

The Information Controller will deal with written requests for information by:

- Deciding if the request comes under of the following Acts namely:
 - Data Protection Act
 - Environmental Information Regulations
 - Freedom of Information Act
- Providing the information if it has already been made public
- Informing the enquirer if Heathfield Schools' Partnership does not have that information
- Deciding if the estimated cost of complying with the request will exceed the appropriate limit
- Ensuring that all personal and commercially sensitive information is excluded from a requested document
- Consider if the request is unreasonable or repeated

Heathfield Schools' Partnership accepts the four reasons under the FOIA for not complying with a request for information:

- That the requested information is not held
- The cost threshold is reached
- The request is considered unreasonable or repeated
- That one or more of the exemptions apply

Information will be published within 20 days (60 during non-term time).

2.2 Feedback and Complaints

The school welcomes any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to the Executive Headteacher or Chair of Governors.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the FOIA and that deals with formal complaints. Contact details are in Appendix A.

3. RETAINING INFORMATION

Heathfield Schools' Partnership will retain records for as short a time as possible consistent with legal and operational requirements. Retention periods and disposal will follow the guidelines published by the Records Management Society Public Sector Group available at http://ldbsact.org/download/policies/Document%20Retention%20Schedule_Nov15.pdf

These guidelines contain:

- A retention schedule containing recommended retention periods for the different records created and maintained by schools in the course of their business. The schedule refers to all information regardless of the media in which it is stored.
- Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort has been made to ensure that these retention periods are compliant with the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.
- Managing records using these retention guidelines will be deemed to be "normal processing" under the legislation mentioned above. If records are to be kept for longer or shorter periods than laid out in this document the reasons for this need to be documented.

Appendix A – Additional information

Responsible Persons

Executive Headteacher	Paul Clayton c/o Heathfield Schools' Partnership Cobbett Road Twickenham TW6 2EN 0208 894 4074
Chair of Governors	Jackie Kelly c/o Heathfield Schools' Partnership Cobbett Road Twickenham TW6 2EN 0208 894 4074
Information Controller	Paul Clayton c/o Heathfield Schools' Partnership Cobbett Road Twickenham TW6 2EN 0208 894 4074

Useful Contacts

Information Commissioner

Wycliffe House,
Water Lane,
Wilmslow,
Cheshire. SK9 5AF

or

Enquiry/Information Line: 01625 545 700

E Mail: publications@ic-foi.demon.co.uk

Appendix B – Data Protection Act Checklist

1. Do I really need this information about an individual? Do I know what I'm going to use it for?
2. Do the people whose information I hold know that I've got it, and are they likely to understand what it will be used for?
3. Am I satisfied the information is being held securely, whether it's on paper or on computer? Including our website, is it secure?
4. Am I sure the personal information is accurate and up to date?
5. Do I delete/destroy personal information as soon as I have no more need for it?
6. Is access to personal information limited only to those with a strict need to know?
7. If I want to put staff details on our website, have I consulted with them about this?
8. If I use CCTV, is it covered by the Act? If so, am I displaying notices telling people why I have CCTV? Are the cameras in the right place, or do they intrude on anyone's privacy?
9. If I want to monitor staff, for example by checking their use of email, have I told them about this and explained why?
10. Have I trained staff in their duties and responsibilities under the Act, and are they putting them into practice?
11. If I'm asked to pass on personal information, am I and my staff clear when the Act allows me to do so?
12. Would I know what to do if one of my employees or individual customers asks for a copy of information I hold about them?
13. Do I have a policy for dealing with data protection issues?
14. Do I need to notify the Information commissioner?
15. If I have already notified, is my notification up to date, or does it need removing or amending?

Appendix C – FOI Publication Scheme

The publication scheme provides a guide to the information which we will publish. This is split into categories of information known as classes as detailed below:

Information	How it can be obtained
Who we are and what we do	
Who's who in the school	Website
Who's who on the Governing Body and the basis of their appointment	Website
Instrument of Government	Hard copy – on request from school office
Contact details for the Executive Headteacher and for the Governing Body	Website
School prospectus	Website
Staffing structure	Hard copy – on request from school office
School session times and term dates	Website
What we spend and how we spend it	
Annual budget plan and financial statements	Hard copy – on request
Capitalised funding	Hard copy – on request
Additional funding	Hard copy – on request
Procurement and projects	Hard copy – on request
Governors' allowances	Hard copy – on request
What our priorities are and how we are doing	
<u>School profile</u> <ul style="list-style-type: none"> • Government supplied performance data • The latest Ofsted report <ul style="list-style-type: none"> o Full report 	Website Website
Performance management policy and procedures adopted by the Governing Body	Hard copy – on request
School development plan	Hard copy – on request

How we make decisions	
Admissions policy / decisions (not individual admissions decisions)	Website
Agendas of meetings of the Governing Body and its committees	Hard copy – on request
Minutes of meetings of Governing Body and its committees – this will exclude information that is properly regarded as private to the meetings.	Hard copy – on request
Our policies and procedures	
School policies including: <ul style="list-style-type: none"> • Charging and remissions policy • Health and Safety • Complaints procedure • Discipline and grievance policies • Equality and diversity (including equal opportunities) policies 	<ul style="list-style-type: none"> • Hard copy • Hard copy • Website • Hard copy • Hard copy
Pupil and curriculum policies including: <ul style="list-style-type: none"> • Home-school agreement • Curriculum • Sex education • Special educational needs • Accessibility plan • Pupil discipline 	<ul style="list-style-type: none"> • Website • Website • Website • Website – Inclusion policy • Hard copy • Website
Records management and personal data policies, including: <ul style="list-style-type: none"> • Data protection (including information sharing policies) 	<ul style="list-style-type: none"> • Website- Privacy notice
Charging regimes and policies This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.	There are currently no charges made for information routinely published.

Lists and registers	
Curriculum circulars	Website
Asset register	By inspection only
The services we offer	
Extra-curricular activities	School Office
Out of school clubs	School Office
Prospectus	Website and Hard copy
Leaflets, books and newsletter	Website and school reception