

# Data Protection Policy



## Annotation Key for this Document

SF Mr Stuart Foster, School Business Manager  
JH Miss Jo Hewitt, Data Manager

## Policy Administration, Owners and Contributors

The nominated person in school responsible for the on-going maintenance and administration of this policy is:  
Miss Jo Hewitt, Data Manager.

## POLICY DETAIL

Caerleon Comprehensive 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) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing 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 the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA). 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.

### Data Protection Principles

The UK GDPR and DPA establishes seven key principles that must be adhered to at all times:

1. Personal data shall be processed fairly, lawfully and transparently;
2. Personal data shall be obtained only for specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
7. The Controller shall be responsible for and demonstrate compliance with the above. (Accountability).

## **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 (SAR)
- Ensure our staff are aware of and understand our policies and procedures

## **Complaints**

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

## **Contacts**

If you have any enquires in relation to this policy, please contact the Miss J Hewitt, Data Manager ([hewittj19@newportschools.wales](mailto:hewittj19@newportschools.wales)) 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 03031231113.

## Appendix 1

### Caerleon Comprehensive School

Procedures for responding to subject access requests made under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA):

#### Rights of access to information

There are two distinct rights of access to information held by schools about students.

1. Under Data Protection legislation, UK GDPR and DPA grants the right of access to pupils and those with parental responsibility for a pupil.
2. Under the Education Pupil Information (Wales) Regulations 2011, those with parental responsibility have the right to view a pupil's education record.

#### Actioning a Subject Access Request (SAR)

1. Requests for information must be made to Miss J Hewitt, Data Manager ([hewittj19@newportschools.wales](mailto:hewittj19@newportschools.wales)) . If the initial request does not clearly identify the information required, then further enquiries may 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 when a SAR is made in relation to a child. Evidence of identity can be established by requesting production of appropriate identification.
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 person responsible for actioning the SAR 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 a legal guardian shall make the decision on behalf of the child.
4. The response time for subject access requests, once officially received, is one calendar month (**not working or school days but calendar days, irrespective of school holiday periods**). However, this can be extended in complex cases.
5. UK GDPR and DPA allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**
6. 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 statutory timescale.
7. 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.
8. If there are concerns over the disclosure of information then additional advice should be sought.
9. 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.
10. 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.
11. 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.

## **Complaints**

Complaints about the above procedures should be made using the school's complaints policy.

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

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

## **Policies Equality Statement**

At Caerleon Comprehensive School, we serve a diverse community and take account of a wide range of needs. In accordance with the Equality Act (2010), our policies and learning and teaching strategies fulfill our duty to serve people according to their needs and promote equality. In order to embed fairness in all aspects of school life, we take account of equality as we formulate, develop and update school policies and plans.

Our vision and values promote inclusivity and equality and tackle discrimination. We have high expectations for all our pupils and staff. Our equality statement is guided by core principles:

- All learners are of equal value;
- We recognise and respect difference;
- We foster positive attitudes and relationships and a shared sense of community and belonging;
- We observe good practice in recruitment, retention and staff development;
- We aim to reduce and challenge barriers to equality at every opportunity.