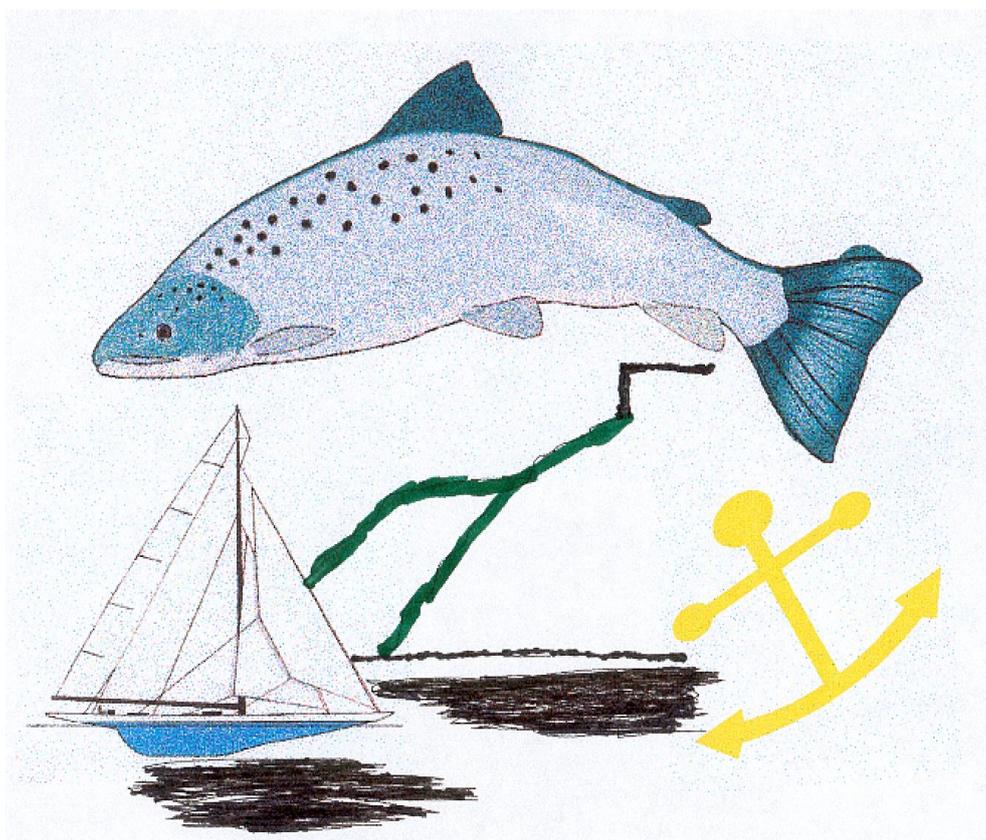


# Data Protection Policy

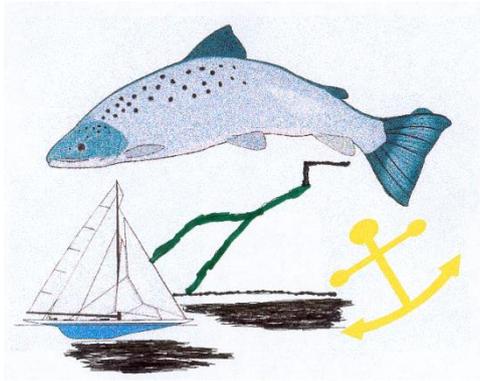
for

## Ferryside V. C. P. School



**2015 – 2018**

<i>Approved</i>	<i>Autumn 2015</i>
<i>Signed</i>	✓



**DATA**

**POLICY**

**PROTECTION**

### **Introduction**

This policy details the stance of Glanyfferi – in line with that of The National Assembly for Wales, and Carmarthenshire Local Education Authority (LEA) – for the responsible and legal management of your or your child's personal and performance information (data) within the School Environment / Education Context.

### **The Collection of Personal Information**

Glanyfferi School collects information about pupils and their parents or legal guardians when they first arrive at school, and when they leave to go on to a new school, and also collects information at other times during the school year. Information is also received by Glanyfferi School from other schools when pupils transfer in.

The LEA and The National Assembly for Wales will receive information on pupils from Glanyfferi School, normally as part of what is called The Pupil Level Annual Schools Census.

Glanyfferi School, The LEA and The National Assembly for Wales receive information about national curriculum assessment and test results.

### **The Use Made of this Personal Information**

The National Assembly for Wales uses the information collected to do research, primarily to inform Educational Policy, Changes, and Funding. The research is done in a way that ensures individual pupils **cannot** be identified. Examples of the sort of statistics produced can be viewed at: <http://www.learning.wales.gov.uk> or <http://www.wales.gov.uk/statistics>

The LEA also uses the personal information collected to do research. It uses the results of the research to make decisions on Policy and the Funding of Schools, to calculate the Performance of Schools and help them to set Targets. The research is done in a way that ensures individual pupils **cannot** be identified.

Glanyfferi School uses the information it collects to administer the education it provides to pupils. For example;

- \_ the provision of educational services to individuals;
- \_ monitoring and reporting on pupils' educational progress;
- \_ the provision of welfare, pastoral care and health services;

- \_ the giving of support and guidance to pupils, their parents and legal guardians;
- \_ the organisation of educational events and trips;
- \_ planning and management of the school.

### **Organisations who may Share Personal Information**

Information held by Glanffery School, The LEA and The National Assembly for Wales on pupils, their parents or legal guardians may be shared with other organisations when the law allows, for example with;

- \_ other education and training bodies, including schools, when pupils are applying for courses, training, school transfer or seeking guidance on opportunities;
- \_ bodies doing research for the National Assembly for Wales, LEA and schools, so long as steps are taken to keep the information secure;
- \_ central and local government for the planning and provision of educational services;
- \_ social services and other health and welfare organisations where there is a need to share information to protect and support individual pupils;
- \_ various regulatory bodies, such as ombudsmen and inspection authorities, where the law requires that information be passed on so that they can do their work.

### **Personal Information Held**

The sort of personal information that will be held by Glanffery School includes :-

- \_ personal details such as name, address, date of birth, and contact details for parents and guardians;
- \_ information on performance in internal and national assessments
- \_ information on the ethnic origin and national identity of pupils (this is used only to prepare summary statistical analyses);
- \_ details about pupils' immigration status (this is used only to prepare summary statistical analyses);
- \_ medical information needed to keep pupils safe while in the care of the school;
- \_ information on attendance and any disciplinary action taken;
- \_ information about the involvement of social services with individual pupils where this is needed for the care of the pupil.

### **Other information**

The National Assembly for Wales, The LEA and Glanffery School will try to ensure that all information is accurate and secure. Personal information will not be sent outside the United Kingdom.

### **Your rights under the Data Protection Act 1998: Summary & Guidance**

**The Data Protection Act 1998** gives individuals certain rights in respect of personal information held on them by any organisation. These rights include :-

- \_ the right to ask for and receive copies of the personal information held on you, although some information can sometimes be legitimately withheld;
- \_ the right, in some circumstances, to prevent the processing of personal information if doing so will cause damage or distress;
- \_ the right to ask for wrong information to be put right;
- \_ the right to seek compensation if an organisation does not comply with **The Data Protection Act 1998** and you personally suffer damage;
- \_ in some circumstances a pupil's parent or legal guardian may have a right to receive a copy of personal data held about a pupil in their legal care. Such cases will be considered on an individual basis where the individual is deemed to have insufficient understanding of their rights under the Act.

You also have the right to ask The Information Commissioner, who enforces and oversees The Data Protection Act 1998, to assess whether or not the processing of personal information is likely to comply with the provisions of the Act.

What rights exist for access to a pupil's personal information?

There are two distinct rights to information held by Glanyfferi School about its pupils.

1. The Subject Access Right – under the Act a pupil has the right to a copy of their own information. In certain circumstances requests may be made by a parent on behalf of their child.
2. Rights To The Educational Record – under the Education (Pupil Information) (Wales) Regulations 2004, referred to here as: The Regulations, a parent has the right to access their child's Educational Record.

Under The Subject Access Right parents will only be able to see all the information about their child when the child is unable to act on their own behalf or gives their consent.

### **Who has responsibility for requests for information?**

Under the Regulations, requests from parents to view their child's Educational Record will be dealt with by the headteacher at Glanyfferi School.

#### ***1. The Subject Access Right***

Under the Act, a pupil, or someone acting on their behalf, has the right to access their personal information held by Glanyfferi School this includes:

- \_ information held on computer (or other automated means);
- \_ information held in structured files;
- \_ information in their Educational Record; and
- \_ unstructured information, for example, held in loose correspondence.

It is likely that most of a pupil's personal information will be held by Glanyfferi School as part of ***The Educational Record***.

However, there is a possibility that some information could fall outside The Educational Record, such as information provided by the parent of another child.

Requests should be made in writing and Glanyfferi School is then entitled to ask for

any further information reasonably required to locate the information being sort / enquired about, and / or to satisfy itself about the identity of the person making the request.

A pupil is also entitled to be told whether or not the personal information they want is actually held by Glanyfferi School, and to ask what that information is. They will also be entitled to a description of the information, the purposes it is used for (by Glanyfferi School), who it is released to (by Glanyfferi School), and any information available about the original source of the information ('original' being the source from which Glanyfferi first acquired or was sent the information).

The information will be supplied by Glanyfferi in an intelligible form (any codes will be explained) and will be provided in hard copy format.

***At what age can a child make their own Subject Access Request?***

The Act does not specify an age at which a child can make their own request for access to their information. When a request is received from a child for access to their own information, those in Glanyfferi School we will take into account whether:

\_ the child wants their parent (or someone with parental responsibility for them) to be involved in the request; and the child properly understands what is involved in making the request and the type of information they will receive.

***When can a parent or other person make a General Subject Access Request on behalf of their child?***

If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child's behalf and receive the response. A child who understands the nature of an access request may ask an adult to act on their behalf.

If it is not clear whether an adult has parental responsibility for the child or is acting for a child, then this will be clarified by Glanyfferi School before responding to the request.

***What happens if there is information about other individuals in the information requested?***

Where the response includes information about another individual, the request will be considered carefully by Glanyfferi School. There is a duty on Glanyfferi School to consider the rights of the individual making the request and the privacy of any other individuals who may be identified.

***Can any other information be withheld?***

There are two situations when information may be withheld by Glanyfferi School. The first is when the information is covered by an exemption in the Act (see (a) below). The second is when the cost of supplying information held in an unstructured way would exceed the set limits (see (b) below):

**a) The main exemptions when information may be withheld relate to:**

- \_ information which might cause serious harm to the physical or mental health of the pupil or another individual;
- \_ cases where the disclosure would reveal a child is at risk of abuse;
- \_ information contained in adoption and parental order records;
- \_ information given to a court in proceedings under the Magistrates' Courts

- (Children and Young persons) Rules 1992;
- \_ copies of examination scripts; and
  - \_ providing examination marks before they are officially announced.

## **b) Unstructured Personal Information (UPI):**

The Act limits the action Glanyfferi School must take to respond to a request from a child, or parent acting for them, for personal information held manually and in a completely unstructured way (UPI).

This needs to be distinguished from personal information held by Glanyfferi School in highly or partly structured files, such as a teacher's own records with sections for different classes and pupils, to which the normal rules of subject access apply.

Where the request is for Unstructured Personal Information (UPI), Glanyfferi School **is entitled** to ask for a description of the information to help them find it.

Glanyfferi School **does not** have to supply the information, or confirm whether or not it exists, if it would cost more than **£450** to do either of these things.

This cost structure is defined in: The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

Further Guidance on this is available from the Department for Constitutional Affairs website at: <http://www.foi.gov.uk/practitioner/feesguidance.htm>

### ***2. The Parents' Right of Access to their Child's Educational Record***

As stated earlier the Regulations give a parent their own independent of access to their child's Educational Record held by Glanyfferi School.

#### ***What is an Educational Record?***

The Regulations provide a legal definition of an 'Educational Record', mirrored in Schedule 11 of the Act.

The definition is wide and includes, regardless of its form, any information about current and past pupils that is processed by (or for) Glanyfferi School's Governing Body or by (or for) any of its Teaching Staff. It includes a 'Curricular Record', defined as a formal record of a pupil's academic achievements, other skills and abilities and progress in school.

***The Educational Record*** is confined to information that comes from a Teacher of Glanyfferi School or other employee of a local authority or other school, the pupil or their parents.

Communications about a particular child from the Headteacher at Glanyfferi School (and other employees at Carmarthenshire Local Education Authority) will therefore form part of that child's *Official Educational Record*, as will (*for example*) correspondence from an Educational Psychologist engaged by The Governing Body of Glanyfferi School under a *Contract of Services*.

It may also include information from the child and their parents, such as information about the *health* of the child.

**Information kept by a teacher at Glanyfferi School solely for their own use does not form part of the Official Educational Record.**

#### ***How should a request be made?***

A parent should make the request in writing to: The Headteacher of Glanyfferi

School.

***Can any of the information in the Educational Record be withheld from the parent?***

The Regulations state that **any** information which is covered by an order under **Section 30** of *The Data Protection Act* **must not** be disclosed by Glanyfferi School.

This includes:

- \_ information which might cause serious harm to the physical or mental health or emotional condition of the pupil or another individual;
- \_ cases where the disclosure would reveal the child is at risk of abuse; and
- \_ any information relating to proceedings under *The Magistrates' Courts (Children and Young Persons) Rules 1992*.

In addition to this, the Regulations state that no information should be disclosed by Glanyfferi where it would reveal the levels of attainment and any other results in any attainment target or subject of any other identified pupil.

***3. What are the timescales for dealing with requests?***

Requests for information from pupils, or parents, for information that contains, wholly or partly, an Educational Record must receive a response from Glanyfferi School within 15 school days.

Unless a parent simply asks to see the Official Educational Record under the Regulations, Glanyfferi School and the Local Education Authority are entitled to receive any fee first.

Most requests for information to Glanyfferi School are likely to ask for at least some information in the Educational Record. However, should a Subject Access Request be made just for personal information outside the Educational Record, a response by Glanyfferi School must be made promptly and at most within 40 calendar days. However, the 40 days does not begin until after the fee is paid & received.

***4. Can a charge be made for accessing personal information?***

If a pupil or parent acting on their behalf makes a subject request for personal information containing in whole or part 'The Educational Record' the amount charged by Glanyfferi School will depend on the number of pages to be provided. In reality the school will aim not to charge an person for a reasonable request but reserve the right to charge at a rate of up to £1 for every 10 pages.

***5. Is there an obligation to translate documents?***

If the Headteacher of Glanyfferi decides that any information needs to be translated in order to respond to any request under the Regulations, then that information will be translated.

The Regulations state that documents should be translated into English, Welsh or any other language as required.

No additional charges may be made for any translation that The Headteacher feels is needed.

***Seeking further information***

For further information about the personal information collected and its' use, if you have concerns about the accuracy of personal information, or wish to exercise your rights under The Data Protection Act 1998, you should contact;

- \_ The National Assembly's Data Protection Officer at, The National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ;
- \_ The Information Commissioner's Office Help Line can be contacted on: 01625 545 745 or 01625 545745 or 029 2044 8044 (Wales Regional Office);
- \_ Information is also available from:  
<http://www.informationcommissioner.gov.uk> or <http://www.ico.gov.uk> or  
contact ICO via email: [wales@ico.gsi.gov.uk](mailto:wales@ico.gsi.gov.uk)