



**DATA PROTECTION POLICY**

**VERSION 1**

**06/12/2017**

## Data Protection Policy

This policy is a working document that is fit for purpose, represents the Waveney Valley Academies Trust ethos, enables consistency and quality across the trust and is related to the following legislation:

- EC Convention on Human Rights and Fundamental Freedoms 1950
- Rehabilitation of Offenders Act 1974
- Access to Medical Records 1988
- Data Protection Directive 95/46/EC
- Asylum and Immigration Act 1996
- Employment Rights Act 1996
- Data Protection Act 1998
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Freedom of Information Act 2000
- Regulation of Investigatory Powers Act 2000
- Telecommunications (Lawful Business Practice) Regulations 2000
- Protection of Freedoms Act 2012

All personal data covered by the Data Protection Act 1998 includes the admission register, attendance registers, students' curricular records, assessment data, class lists, reports to parents, students' disciplinary records, personnel files, academy financial information, trust and academy strategic and improvement plans, recorded CCTV footage, students' family and home contact details, records of contractors and suppliers and records of students entering public examinations.

We hold personal information relating to students to support students' learning, monitor and report on their progress, provide appropriate pastoral care and assess the quality of our services.

We will ensure that under the Data Protection Act 1998 all personnel are able to access their personal data that is held about them. We believe it is our duty to respond to any request of access within 40 days.

We will ensure a student's educational records will be made available to their parents or carers on receipt of a written request within 15 academy days.

We aim to fulfill our obligations under the Data Protection Act 1998 and to protect the right of academy personnel and students to privacy in line with the Act.

## Aims

- To allow all trust personnel their right to have access to their personal data.
- To allow all parents their right of access to their child's records.
- To protect all trust personnel's right to privacy in line with the Data Protection Act 1998.
- To protect all students right to privacy in line with the Data Protection Act 1998.
- To ensure compliance with all relevant legislation connected to this policy.

## Responsibility for the Policy and Procedure

The **Trust Board** has:

- the responsibility to comply with the legal requirements of the Data Protection Act 1998
- the responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998
- delegated powers and responsibilities to the Headteachers to ensure all academy personnel and stakeholders are aware of and comply with this policy
- responsibility for ensuring funding is in place to support this policy
- responsibility for ensuring all policies are made available to parents

## Role of the Headteacher

The **Headteacher** will:

- ensure the academy complies with the Data Protection Act 1998 and the eight data protection principles
- ensure security measures and confidential systems are in place to protect personal data and student records
- ensure data is adequate, relevant and not excessive and obtained for specific and lawful purposes
- ensure all personal data is accurate and that inaccurate data is corrected or erased
- ensure procedures are in place to deal with requests for access to personal data
- ensure data is not kept longer than is necessary
- ensure academy personnel are aware of their rights and responsibilities
- ensure a student's educational records will be made available to their parents or carers on receipt of a written request within 15 academy days
- ensure a Common Transfer File is sent when a student joins another academy
- provide guidance, support and training to all staff

**Academy personnel** will:

- comply with all aspects of this policy
- follow the safe and confidential system procedures that are in place to protect personal data and student records
- check their personal data and inform the Headteacher of any mistakes
- apply in writing for access to their personal data
- comply and respect confidentiality of personal information at all times but especially when involved with interviewing new academy personnel
- provide accurate and up to date personal information
- inform the academy of any changes to their personal data

## Data Protection Principles

Personal data must:

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- be processed lawfully
- be obtained and processed for specific and lawful purposes
- be sufficient, appropriate and not excessive in relation to the precise purpose
- be accurate and up to date
- not be kept for a great length of time
- be processed in agreement with the individual's legal rights; be protected against unlawful processing, accidental loss, destruction or damage
- not be transferred outside the EU unless the rights and freedom of the individual is protected

### **Personal Information Relating to Academy Personnel**

We hold the following information:

- contact details
- National Insurance numbers
- ethnic group
- employment contracts
- remuneration details
- qualifications
- absence information

### **Personal Information Relating to Students**

We hold the following information:

- contact details
- national curriculum assessment results
- attendance information
- any exclusion information
- transferring school/academy
- ethnic group
- any special needs
- relevant medical information

### **Security Measures**

We work to ensure that computers and servers comply with all up to date Government regulations and are secure with:

- anti-virus software
- fire wall software
- passwords

All academy personnel will:

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- 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 they leave the academy

## Disclosure of Data

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

## Rights of Individuals

Individuals have rights 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
- prevent processing which could be harmful to them or others
- prevent the processing of their performance management records
- go to court to prevent inaccurate data being used
- be compensated if a data controller contravenes the Data Protection Act
- stop data being processed for direct marketing

Individuals are not entitled to:

- copies of their references
- information on pay reviews
- examination results until they have been released

## Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any student and it helps to promote equality within Waveney Valley Academies Trust.

<b>Approval Date</b>	06/12/2017	<b>Review Date</b>	05/12/2017
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