



Lawrence View Primary and Nursery School Data Protection Policy

Lawrence View Primary and Nursery 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 Data Protection Act 1998, and other related 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.

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more 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 processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

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

CCTV

The school has a number of CCTV cameras placed strategically across the site to view and record images. The head teacher has the responsibility for control

of the information and making decisions about how it can be used. CCTV cameras are used in order to protect the security of the building and those within the building and signage is in place in main reception. The information is secure and is restricted as following: viewing of live images by any member of staff approved by the head teacher and the Chair of Governors; viewing of recorded images by the senior leadership team, pastoral team and Chair of Governors. The School Business Manager is responsible for copying any CCTV images. CCTV information is shared with law enforcement agencies when the purpose of the system is to prevent or detect crime.

Individuals whose information is recorded have a right to be provided with that information or, if they consent to it, view that information. Requests for information must be made in writing. Information must be provided promptly and within no longer than 40 calendar days of receiving a request. A fee of up to £10 may be charged. Those who request access must provide the school with details that allow the school to identify them as the subject of the information and also to locate the information on the school system. CCTV recordings are kept for a period of 21 days.

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). See the Nottinghamshire agreed actions in Appendix 2 and 3.

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 Mrs McGrenaghan 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 or telephone 01625 545745

Date issued: January 2020

Date of next review: January 2026

Appendix 1

Lawrence View Primary and Nursery School

Procedures for responding to subject access requests made under the Data Protection Act 1998

Rights of access to information

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

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Appendix 2 Nottinghamshire advice Actioning a subject access request.

1. Requests for information must be made in writing; which includes email, and be addressed to Mrs McGrenaghan. 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, and checks should also be carried out regarding proof of relationship to the child. 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 Head teacher 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. The school may make a charge for the provision of information, dependent upon the following:
 - Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.

- Should the information requested be personal information that does not include any information contained within educational records schools can charge to provide it - see charges list.
 - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Head teacher.
5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective**
 6. **of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought
 7. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
 8. 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 40 day statutory timescale.
 9. 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.
 10. If there are concerns over the disclosure of information then additional advice should be sought.
 11. 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.
 12. 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.

13. 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 to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

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.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone.

Appendix 3: Nottinghamshire Guidelines.

SCHOOL PRIVACY NOTICE

(to be distributed to all parents, carers or young people)

What is a Privacy Notice?

The purpose of a Privacy Notice is to explain how you and your family's personal information may be used. It details why we collect information and who we may share it with.

Who are we?

We, Lawrence View Primary and Nursery School, are a Data Controller for the purposes of the Data Protection Act 1998. We collect information from you and your family and may receive information about you and your family from your previous school and the Learning Records Service.

Why is information collected?

The reasons we keep records about you and your family are to:

- Support teaching and learning;
- Monitor and report on progress;
- Provide appropriate pastoral care,
- Give the best possible service,
- Provide statutory services (e.g. assessment for free school meals eligibility),
- Safeguard Children and Young People from harm,
- Assess how well schools are doing.

What information is collected?

Information that may be collected includes contact details, national curriculum assessment results, attendance information **1** and personal characteristics such as ethnic group, special educational needs and any relevant medical information.

If you / your child are enrolling for post 14 qualifications we will be provided

with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you / your child have undertaken.

Who may my / my family's information be shared with?

We will not give information about you or your family to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some of your / your child's information to Nottinghamshire County Council and the Department for Education (DfE). Nottinghamshire County Council uses information about children for whom it provides services, to enable it to carry out specific functions for which it is

responsible. These functions may include the assessment of any special educational needs a child may have, assessment for free school meals eligibility, support the process of admissions to schools and provide information for children, young people and family support services. The Council also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them.

Nottinghamshire County Council may also share information, when appropriate and within the legal framework, with other organisations for example:

- Primary Care Trusts (PCT),
- Police forces,
- Provider of youth support services in your area,
- Other local authorities if you live in their area,
- Further educational colleges.

Organisations have a legal right to share information when it is in the best interests of the child or young person. Sometimes we have a duty² to share information and would need to justify why we did not. However, we only share information with professionals who have a legitimate need in order to provide you or your family with support or an intervention.

If you require more information about how the Local Authority (Nottinghamshire County Council) and the DfE store and use your information, then please go to the following websites:

<http://www.nottinghamshire.gov.uk/home/learningandwork/schools/safety/child-datasecurity/share-ddataorganisations.htm>, and

1. Attendance is not collected for pupils under 5 at Early Years Settings or Maintained Schools
2. A duty is what defines the schools or authorities responsibilities in law

Nottinghamshire County Council Department for Education

Data Management Team

Children, Families & Cultural Services

Nottinghamshire County Council

County Hall, West Bridgford,

Nottingham, NG2 7QP

Email: data.management@nottscc.gov.uk

Public Communications Unit

Department for Education

Sanctuary Buildings, Great Smith Street

London, SW1P 3BT

Website: www.education.gov.uk

Email: info@education.gsi.gov.uk

Telephone: 0870 000 2288

Once a child is aged 13 or over we are required to pass on certain information to the provider of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the address of all pupils and their parents (and date of birth) and any further information relevant to the support services' role (e.g. school name, ethnicity and gender).

However, until a child is aged 16 or older, their parent(s) can ask that no information beyond a child's name, address and date of birth (and parent's name and address) be passed on to the youth services provider. This right transfers to the child on their 16th birthday.

Can I see the information held about me and my family?

Under the Data protection Act 1998 you and your family are entitled to know what information is held about you. If you want to see a copy of the information we hold and share about you and your family then please contact the Head teacher.

What can I do if the information held is incorrect?

If you suspect that you or your family's information is out of date or incorrect you have a right to request that the data is amended. To do so please contact Mrs Greasby, school's office manager at Lawrence View Primary and Nursery School.

Want to know more?

If you have any further questions about information sharing within Nottinghamshire schools or

Nottinghamshire County Council please contact:

Data Management Team

Children, Families & Cultural Services

Nottinghamshire County Council

County Hall, West Bridgford,

Nottingham, NG2 7QP

Email: data.management@nottscc.gov.uk

For independent advice about data protection, privacy and information sharing issues you can contact:

The Information Commissioner

08456 30 60 60

<http://www.ico.gov.uk>