

Policy No. C48	DATA PROTECTION POLICY		
Last Revised:	14th October 2014	Next Revision:	October 2018
Approved by:	Resources Committee	Date:	19th September 2016

1. The Data Protection Act 1998 sets legislative requirements for organisations processing personal data (referred to under the Act as ‘Data Controllers’). The School will be open and transparent when processing and using private and confidential information by ensuring we follow the Data Protection Principles of good data handling as set out below:

2. 8 Data Protection Principles

- **Principle 1:** Personal data shall be obtained and processed fairly and lawfully.
- **Principle 2:** Personal data shall be obtained only for the specified and lawful purposes and shall be processed for limited purposes.
- **Principle 3:** Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is obtained.
- **Principle 4:** Personal data shall be accurate and kept up to date.
- **Principle 5:** Personal data shall not be kept for longer than necessary.
- **Principle 6:** Personal data shall be processed in accordance with the rights of the data subject under the Data Protection Act 1998.
- **Principle 7:** Personal data (manual and electronic) must be kept secure.
- **Principle 8:** Personal data shall not be transferred outside the European Union unless that country provides adequate levels of protection for the rights of the data subject.

The eight Principles applies to all members of The Hemel Hempstead School. For the purposes of this Policy, the term “Staff” means all members of staff including permanent, fixed term, and temporary staff, governors, secondees, any third party representatives, agency workers, volunteers, agents and sponsors engaged with the school in the UK.

All contractors and agents acting for or on behalf of the School should be made aware of this Policy.

This policy must be read in conjunction with the following management guidance documents:-

- Data Protection Management Guidance (appendix A)
- Record Management Guidance (appendix B)
- Model Privacy Statements
- School Publication Scheme C36

3. Review & Monitoring

The school staff and governors will review this policy and assess its implementation and effectiveness on a two-year cycle.

Appendix A

DATA PROTECTION MANAGEMENT GUIDELINES

- 1.1 Our data protection policy sets out our commitment to protecting personal data and how we implement that commitment with regards to the collection and use of personal data.

We are committed to:

- ensuring that we comply with the eight data protection principles, as listed below
- meeting our legal obligations as laid down by the Data Protection Act 1998
- ensuring that data is collected and used fairly and lawfully
- processing personal data only in order to meet our operational needs or fulfill legal requirements
- taking steps to ensure that personal data is up to date and accurate
- establishing appropriate retention periods for personal data
- ensuring that data subjects' rights can be appropriately exercised
- providing adequate security measures to protect personal data
- ensuring that a nominated officer is responsible for data protection compliance and provides a point of contact for all data protection issues
- ensuring that all staff are made aware of good practice in data protection
- providing adequate training for all staff responsible for personal data
- ensuring that everyone handling personal data knows where to find further guidance
- ensuring that queries about data protection, internal and external to the organisation, is dealt with effectively and promptly
- Regularly reviewing data protection procedures and guidelines within the organisation.

This policy should be read in conjunction with the Schools Publication Scheme C23, the Records Management Guidance and the adopted HCC model Privacy statements for staff and students.

2.0 Guidance

- 2.1 This guidance applies to all members of The Hemel Hempstead School. For the purposes of this guidance, the term “Staff” means all members of staff including permanent, fixed term, and temporary staff, governors, secondees, any third party representatives, agency workers, volunteers, agents and sponsors engaged with the school in the UK.
- 2.2 All contractors and agents acting for or on behalf of the School should be made aware of this guidance.
- 2.3 This guidance applies to all personal and sensitive personal data processed on computers and stored in manual (paper based) files. It aims to protect and promote the rights of individuals and the school

3.0 Personal Data:

3.1 Any information which relates to a living individual who can be identified from the information. It also extends to any information which may identify the individual.

Examples of personal data:

- A person's name and address (postal and email)
- Date of birth
- Statement of fact
- Any expression or opinion communicated about an individual
- Minutes of meetings, reports
- Emails, file notes, handwritten notes, sticky notes
- CCTV footage if an individual can be identified by the footage
- Employment and student applications
- Spreadsheets and/or databases with any list of people set up by code or student/staff number
- Employment or education history

(i) **Sensitive Personal Data:** Any information relating to an individual's:

- Ethnicity
- Gender
- Religious or other beliefs
- Political opinions
- Membership of a trade union
- Sexual orientation
- Medical history
- Offences committed or alleged to have been committed by that individual

4.0 Definition

4.1 The Data Protection Act 1998 is designed to protect individuals and personal data, which is held and processed on their behalf. The Act defines the individual as the 'data subject' and their personal information as 'data'. These are further defined as:

- (i) **Data Subject:** Any living individual who is the subject of personal data whether in a personal or business capacity
- (ii) **Data:** Any personal information which relates to a living individual who can be identified. This includes any expression of opinion about the individual.
- (iii) Data is information stored electronically i.e. on computer, including word processing documents, emails, computer records, CCTV images, microfilmed documents, backed up files or databases, faxes and information recorded on telephone logging systems
- (iv) Manual records which are structured, accessible and form part of a 'relevant filing systems' (filed by subject, reference, dividers or content), where individuals can be identified and personal data easily accessed without the need to trawl through a file.

5.0 General Principles

5.1 The Data Protection Act 1998 sets legislative requirements for organisations processing personal data (referred to under the Act as 'Data Controllers'). The School will be open

and transparent when processing and using private and confidential information by ensuring we follow the Data Protection Principles of good data handling:

- (i) **Principle 1:** Personal data shall be obtained and processed fairly and lawfully.
- (ii) **Principle 2:** Personal data shall be obtained only for the specified and lawful purposes and shall be processed for limited purposes.
- (iii) **Principle 3:** Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is obtained.
- (iv) **Principle 4:** Personal data shall be accurate and kept up to date.
- (v) **Principle 5:** Personal data shall not be kept for longer than necessary.
- (vi) **Principle 6:** Personal data shall be processed in accordance with the rights of the data subject under the Data Protection Act 1998.
- (vii) **Principle 7:** Personal data (manual and electronic) must be kept secure.
- (viii) **Principle 8:** Personal data shall not be transferred outside the European Union unless that country provides adequate levels of protection for the rights of the data subject.

5.2 The School recognises and understands the consequences of failure to comply with the requirements of the Data Protection Act 1998 may result in:

- Criminal and civil action;
- Fines and damages;
- Personal accountability and liability;
- Suspension/withdrawal of the right to process personal data by the Information Commissioners Office (ICO);
- Loss of confidence in the integrity of the School's systems and procedures;
- Irreparable damage to the School's reputation.

5.3 The School may also consider taking action, in accordance with the School's Disciplinary Procedure, where staff do not comply with the Data Protection Act 1998.

6.0 Roles and Responsibilities

6.1 Staff will not attempt to gain access to information that is not necessary to hold, know or process. All information which is held will be relevant and accurate for the purpose for which it is required. The information will not be kept for longer than is necessary and will be kept secure at all times.

6.2 The School will ensure that all personal or sensitive personal information is anonymised as part of any evaluation of assets and liability assessments except as required by law.

6.3 Staff who manage and process personal or sensitive personal information will ensure that it is kept secure and where necessary confidential. Sensitive personal information will only be processed fairly and lawfully and in line with the provisions set out in the Data Protection Act 1998 and only processed in accordance with instructions set out by the respective Data Controllers.

6.4 The School will ensure that all staff are made aware of the reasons why personal and sensitive personal data is being processed:

- how it will be processed
- who will process it
- how it will be stored and
- how it will be disposed of when no longer required.

7.0 Data Subjects Rights

7.1 The School acknowledges individuals (data subjects) rights under the Data Protection Act to access any personal data held on our systems and in our files upon their request, or to delete and/or correct this information if it is proven to be inaccurate, excessive or out of date.

7.2 The School recognises that individuals have the right to make a request in writing and upon payment of a fee, obtain a copy of their personal information, if held on our systems and files.

7.3 The School recognises that individuals have the right to prevent data processing where it is causing them damage or distress, or to opt out of automated decision making and stop direct marketing.

8.0 School (Data Controllers) Obligations

8.1 The School will follow Code of Practice issued by the ICO when developing policies and procedure in relation to data protection.

8.2 The School will ensure that Data Processing Agreements are applied to all contracts and management agreements where the School is the data controller contracting out services and processing of personal data to third parties (data processors). The School will ensure this agreement clearly outlines the roles and responsibilities of both the data controller and the data processor.

8.3 The School will adhere to and follow the 8 principles of data protection when conducting surveys, marketing activities etc., where the School collects, processes, and stores and records all types of personal data.

8.4 The School will not transfer or share personal information with countries outside of the European Economic Area (EEA) unless that country has a recognised adequate level of protection in place in line with the recommendations outlined in the Data Protection Act.

8.5 The School will ensure all staff are provided with data protection training and promote the awareness of the School's data protection and information security policies, procedures and processes.

9.0 Complaints

9.1 Complaints relating to breaches of the Data Protection Act 1998 and/or complaints that an individual's personal information is not being processed in line with the 8 principles of data protection will be managed and processed by The Registrar.

9.2 All complaints of dissatisfaction will also be processed in accordance with the School's Complaints Process and should be sent to:

Mrs Sally Ambrose – Acting Headteacher:

The Hemel Hempstead School
Heath Lane,
Hemel Hempstead
Hertfordshire
HP1 1TX

10.0 Confidentiality and Information Sharing

- 10.1 The School will only share information in accordance with the provisions set out in the Data Protection Act 1998.
- 10.2 Where applicable the School will inform individuals of the identity of third parties to whom we may share, disclose or be required to pass on information to, whilst accounting for any exemptions which may apply under the Data Protection Act 1998.

Appendix B

RECORDS MANAGEMENT GUIDANCE

1.0 Records Management

The Hemel Hempstead School (HHS) recognises that the efficient management of its records is necessary in order to support its core functions, to comply with its legal and regulatory obligations and to enable the effective management of the school.

The guidance follows from the School's Data Protection Policy and the Data Protection Management Guidance. Its purpose is to ensure the creation and maintenance of authentic, reliable and useable records, with appropriate evidential characteristics, within the School by establishing a framework and accountabilities for records management, through which best practice can be implemented and audited

2.0 Guidance

The School will manage records efficiently and systematically, in a manner consistent with recognised guidance, to support School operations and meet legislative, regulatory, funding and ethical requirements.

Records will be created, maintained and retained in order to provide information about and evidence of the School's transactions and activities. Retention schedules will govern the period of time that records will be retained.

This guidance has been drawn-up within the context of the schools:-

- Adopted Privacy Statements as shown
- School Publication Scheme C36

3.0 Scope

This guidance applies to all records in hard copy and electronic format that are created, received and maintained by School members in the course of carrying out their School functions.

This guidance applies to records created in the course of the schools business, whether internally or externally-funded, in addition to any contractual and academic record-keeping requirements.

This guidance is binding on all those who create or use School records such as staff, students, contractors, consultants, visitors and guests of the School, whether accessing records from on or off-site.

4.0 Oversight

The Headteacher is responsible for records management within the School and has the authority to define and implement School-wide records management policies.

The School Governing Body is responsible for the approval of records management policy and for overseeing policy implementation via the Resources committee.

The Resources Committee, is responsible for regular policy reviews and monitors the effectiveness of the records management policy across the School. It also commissions and

responds to independent audits of records management arrangements.

The Headteacher (or nominated representative) is responsible for promoting compliance with this guidance and for drawing up guidance about good records management practice.

The Headteacher (or nominated representative) has responsibility for the School Archive

5.0 Responsibilities

All information users are responsible for creating, maintaining and preserving records to which they have access in accordance with this guidance.

School Officers and Heads of Departments, as data owners, are responsible for ensuring that all records in their area are managed in conformance with this guidance.

Exam officers / Principal investigators, as data owners, are responsible for ensuring that their records and data are created, managed and disposed of in compliance with this guidance.

Staff, students, contractors, consultants, visitors and guests who act in breach of this guidance, or who do not act to implement it, may be subject to disciplinary procedures or other appropriate sanctions.