



St Edmundsbury and Ipswich
Diocesan Multi Academy Trust

DATA PROTECTION POLICY

Date Approved	MAT Board	26 January 2017
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1. Introduction

- 1.1 The St Edmundsbury and Ipswich Diocesan Multi Academy Trust ("The MAT") and its academies collect and use certain types of personal information about staff, pupils, parents and other individuals who come into contact with the academies in order to provide education and associated functions. The academies and the MAT may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act 1998 ("the DPA") and other related legislation. It will apply to information regardless of the way it is used or recorded and applies for as long as the information is held.
- 1.2 The DPA applies to all computerised data and manual files if they come within the definition of a relevant filing system. Broadly speaking, a relevant filing system is one which is readily searchable, and personal information is identifiable within it. As a guide, if a temporary/casual employee in the office could locate personal information about a named individual without additional assistance, then it would be a relevant filing system.
- 1.3 This policy will be updated as necessary to reflect best practice, or amendments made to the DPA, and shall be reviewed every two years.

2. Personal Data

- 2.1 'Personal data' is information that identifies an individual, and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain. For example, if asked for the number of female employees, and you only have one female employee, this would be personal data if it was possible to obtain a list of employees from the website. A sub-set of personal data is known as 'sensitive personal data'. Sensitive personal data is information relating to race or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health, sexual life or the commission of any offence. Sensitive personal data is given special protection.
- 2.2 The MAT and its academies do not intend to seek or hold sensitive personal data about staff or students except where an academy has been notified of the information, or it comes to an academy's attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Staff and pupils are under no obligation to disclose to the academy or the MAT their race or ethnic origin or political beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and / or parenthood are needed for other purposes eg pension entitlements).
- 2.3 The MAT and its academies may hold data about religious beliefs of pupils, parents/ carers and members of staff for specific purposes, for example; school admissions, provision of Religious Education, provision of special diets and in support of job applications.

3. The Data Protection principles

3.1 The eight data protection principles as laid down in the DPA are followed at all times:

1. Data must be processed fairly and lawfully, and only where one of the conditions in Schedule 2 DPA can be met. If sensitive personal data, a condition in Schedule 3 DPA must also be met.
2. Personal data shall be obtained only for one or more specific and lawful purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purposes(s) for which they are processed.
4. Personal data shall be accurate and where necessary be kept up to date.
5. Personal data processed for any purposes(s) shall not be kept longer than is necessary for that purpose.
6. Personal data shall be processed in accordance with the rights of data subjects under the DPA.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country outside the EEA, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

3.2 The MAT and its academies are committed to maintaining those principles at all times. This means that each academy will:

1. Inform parents, staff and others as to the purpose of collecting any information from them, as and when it is asked for.
Be responsible for checking the quality and accuracy of the information before passing to the MAT.
2. Regularly review the records held to ensure that information is not held longer than is necessary and that it has been held in accordance with the data retention policy.
3. Ensure that when information is authorised for disposal it is done appropriately.
Ensure appropriate security measures to safeguard personal information whether that is held in paper files or on their computer system.
4. Share personal information with others only when it is necessary and legally appropriate to do so, ensuring that pupil names are replaced with unique pupil numbers in the records before the data is transferred where appropriate.
5. Set out clear procedures for responding to requests for access to personal information know as subject access in the DPA.
6. Report any breaches of the DPA as soon as they occur, or in any event within 24 hours of the breach coming to an academy's attention. Breaches should be notified to the Chief Executive Officer of the MAT (CEO) in the first instance, who will then decide what action, if any, needs to be taken.

4. Breach of any requirement of the DPA

- 4.1 Any and all breaches of the DPA, including a breach of any of the data protection principles shall be reported as set out in paragraph 8 above.
- 4.2 Once notified the CEO shall assess the extent of the breach, and the potential consequences, and decide whether notification to the Information Commissioners Officer and / or the Charity Commission is necessary.
- 4.3 The CEO shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the MAT's Board of Directors, and a decision made about implementation of those recommendations.

5. Use of personal data by the MAT and the Academy

Each academy will hold personal data on pupils, staff and other individuals such as visitors. In each case, the personal data must be treated in accordance with the data protection principles as outlined above.

5.1 Pupils

- 5.1.1 The personal data held regarding pupils includes contact details, assessment / examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.
- 5.1.2 The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the academy as a whole is doing, together with any other uses normally associated with this provision.
- 5.1.3 The academy may make use of limited personal data (such as contact details) relating to pupils, their parents or carers for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the academy, but only where consent has been provided to this.
- 5.1.4 In particular, an academy may
 - Transfer information to any association, society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the academy.
 - Make use of photographs of pupils in academy publications and on the academy's website.
 - Disclose photographs and names of pupils to the media (or allow the media to take photographs of pupils) for promotional and congratulatory purposes where a pupil may be identified by name when the photograph is published eg where a pupil has won an award or has otherwise excelled.
 - Make personal data, including sensitive personal data, available to staff for planning curricular or extra-curricular activities.

- Keep the pupil's previous school informed of his / her academic progress and achievements eg sending a copy of the school reports for the pupil's first year at the academy to their previous school.
- 5.1.5 Photographs with names identifying pupils will not be published on an academy's website without the express permission of the appropriate individual.
- 5.1.6 Any wish to limit or object to any use of personal data should be notified to the headteacher of the relevant academy in writing – this will be acknowledged by the academy in writing. Notice shall then be sent to the MAT. If in the view of the MAT and the academy the objection cannot be maintained, the individual will be given written reasons why the MAT and the academy cannot comply with his/her request. Parents who do not want their child's photograph or image to appear in any of the academy's promotional material, or be otherwise published, must also make sure that their child knows this.
- 5.1.7 Pupils, parents and carers should be aware that where photographs or other image recordings are taken by family members or friends for personal use the DPA will not apply, eg where a parent takes a photograph of their child and some friends taking part in the academy sports day.
- 5.2 Staff
- 5.2.1 The personal data held about staff will include contact details, employment history, information relating to career progression, information relating to DBS checks and photographs.
- 5.2.2 The data is used to comply with legal obligations placed on the MAT and its academies in relation to employment and the education of children in a school environment. The MAT may pass information to other regulatory authorities where appropriate, and may use names and photographs of staff in publicity and promotional material. Personal data will also be used when giving references.
- 5.2.3 Staff should note that information about disciplinary action may be kept longer than the duration of the sanction. Although treated as 'spent' once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.
- 5.2.4 Any wish to limit or object to the uses to which personal data is to be put, should be notified to the headteacher and the CEO who will ensure that this is recorded, and adhered to if appropriate. If the MAT and the academy is of the view that it is not appropriate to limit the use of personal data in the way specified, the individual will be given written reasons why the MAT and the academy cannot comply with their request.
- 5.3 Other individuals
- 5.3.1 The academies and the MAT may hold personal information in relation to other individuals who have contact with the academy, such as volunteers and guests. Such information shall be held only in accordance with the data protection principles, and shall not be kept longer than necessary.

6. Security of personal data

- 6.1 The academy will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or carers where it is necessary for them to do so. The academy will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

7. Disclosure of personal data to third parties

- 7.1. The following list includes some of the reasons that the MAT and/or the academy will authorise disclosure of personal data to a third party
- To give a confidential reference relating to a current or former employee, volunteer or pupil.
 - For the prevention or detection of crime.
 - For the assessment of any tax or duty.
 - Where it is necessary to exercise a right or obligation conferred or imposed by law upon the MAT and / or the academy (other than by obligation imposed by contract).
 - For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings).
 - For the purpose of obtaining legal advice.
 - For research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress).
 - To publish the results of public examinations or other achievements of pupils of the academy.
 - To disclose details of a pupil's or staff's medical condition where it is in the pupil's / staff's interests to do so, for example for medical advice, insurance purposes or to organisers of academy trips.
 - To provide information to another educational establishment to which a pupil is transferring.
 - To provide information to the Examination Authority as part of the examinations process.
 - To provide the relevant Government Department concerned with national education. At the time of the writing of this Policy, the government department concerned with national education is the Department of Education (DfE). The examination Authority may also pass information to the DfE.
- 7.2. The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education services as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government departments or agencies strictly for statistical or research purposes.
- 7.3. An academy may receive requests from third parties (i.e. those other than the data subject, the academy, and employees of the academy) to disclose personal data it holds about pupils, their parents or carers, staff or other individuals. This information will not generally be disclosed unless one of the specific exemptions under the DPA which allow disclosure applies, or where necessary for the legitimate interests of the individual concerned or the academy.

- 7.4. All requests for the disclosure of personal data must be sent to the headteacher, who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of that third party before making any disclosure. The request should be copied to the MAT, marked for the attention of the Business and Finance Officer.

8. Confidentiality of Pupil Concerns

- 8.1 Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or carers, an academy will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where an academy believes disclosure will be in the best interests of the pupil or other pupils. The "seven golden rules to sharing information" contained within the DfE Sharing Information document demonstrate good practice. (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf)

9. Dealing with a subject access request

- 9.1 Anybody who makes a request to see their file or their child's file or other personal data held on them is making a subject access request under DPA. They should be asked to make their request in writing on the form attached at Appendix A. All information relating to the individual, including that held in day books, diaries and on electronic systems and email should be considered for disclosure.
- 9.2 Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with special needs that affect their ability to understand their own information rights) a person with parental responsibility can make a request on their behalf. The headteacher must, however, be satisfied that
- the child or young person lacks sufficient understanding, and
 - the request made on behalf of the child or young person is in their interests.
- 9.3 An academy will only grant pupils access to their personal data, if, in the relevant academy's reasonable belief, the pupil understands the nature of the request.
- 9.4 Any individual, including a child or young person with ownership of their own information rights may appoint another person to request access to their records. In such circumstances the academy must have written evidence that the individual has authorised the person to make the application and the headteacher must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.
- 9.5 Access to records will be refused in instances where an exemption in the DPA applies. For example, information sharing may place a child at risk of significant harm or jeopardise police investigations into any alleged offence(s).
- 9.6 A subject access request under the DPA must be made in writing on the form attached at Appendix 1 and the academy must respond within 40 days. An academy may ask for any further information reasonably required to locate the information.

- 9.7 An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where the academy does not have their consent, or where seeking consent would not be reasonable, and it would not be appropriate to release the information.
- 9.8 Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured / retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.
- 9.9 If an individual discovers that information which an academy holds in relation to them is inaccurate or out of date, they should write to the headteacher setting out the inaccuracy, and the accurate position. The headteacher will arrange for the information to be corrected where the academy is in agreement that the previous information was inaccurate. If the academy disagrees that the information is inaccurate, it will discuss the matter with the individual, but the academy has the right to retain the original information. If the individual is unhappy with this outcome they have the right to instigate the academy's Complaints procedure.

Exemptions to access by data subjects

- 9.10 Confidential references given, or to be given by an academy and / or the MAT, are exempt from subject access. The MAT and the academy will therefore treat as exempt any reference given by them for the purpose of education, training or employment, or prospective education, training or employment of any pupil, member of staff, or volunteer.
- 9.11 It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.
- 9.12 Examination scripts, i.e. information recorded by pupils during an examination, are exempt from disclosure. However, any comments recorded by the examiner in the margins of the script are not exempt even though they may not seem of much value without the script itself.
- 9.13 Examination marks do not fall within an exemption as such. However, the 40 day compliance period for responding to a request is extended in relation to examination marks to either five months from the day on which the academy received the request or 40 days from the announcement of the examination results, whichever is the earlier.
- 9.14 Where a claim to legal professional privilege could be maintained in legal proceedings, the information is exempt from disclosure unless the privilege is waived.

Repeated requests for access to records

- 9.15 Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, the DPA allows for access to be refused when the applicant has made repeated requests for information already provided

Charging

- 9.16 The maximum fee which can be charged is £10 and must not exceed the cost of supplying the information. The MAT and its academies intend to charge this fee as a matter of course, and this is made clear on the website.

10. Contact

- 10.1 If anyone has any concerns or questions in relation to this policy they should contact the MAT Chief Executive Officer via mat@cofesuffolk.org

APPENDIX A

**St Edmundsbury and Ipswich Diocesan
Multi Academy Trust**



REQUEST FOR PERSONAL DATA

To	
From: <i>(Name)</i>	
Address	
Date	
I understand that the Academy has my personal data in its possession. I am writing to request that you provide a copy of all information which you hold about me / my / our child in:	
Name of relevant files	
I understand that the information will be provided within 40 days of the above date.	
Signed	

FOR OFFICIAL USE ONLY

Received By <i>(Name)</i>		Date	
Supplied By <i>(Name)</i>		Date	
Fee of £	Received	Date	