

Data Protection Policy



ENFIELD
LEARNING TRUST
BE INCLUDED

Version and Date		Action/Notes	Date Written	Date to be Reviewed
1.0	01.12.16	Approved by Board of Trustees	November 2016	3 Years - 2019
2.0	10.10.17	Approved by Board of Trustees	28.09.17 Reviewed	3 Years – 2020

Introduction

This document is a statement of the aims and principles of the Enfield Learning Trust for ensuring the confidentiality of sensitive information relating to staff, pupils, parents, volunteers and governors.

The Enfield Learning Trust needs to keep certain information about its employees, pupils and other users to allow it to monitor performance, achievements and health and safety for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, the Bowes Learning Alliance must comply with the Data Protection Principles which are set out in the Data Protection Act 1998.

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- Be adequate, relevant and not excessive for those purposes
- Be accurate and kept up-to-date
- Not be kept longer than is necessary for that purpose
- Be processed in accordance with the data subjects' rights
- Be kept safe from unauthorised access, accidental loss or destruction
- Not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

Further information on the [data protection principles](https://ico.org.uk/) can be found on the Information Commissioner's Office website <https://ico.org.uk/>

All staff who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the school has developed this Data Protection Policy.

Status of this policy:

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the school from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers:

The School is the Data Controller under the 1998 Act and the Board of Trustees are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with

day-to-day matters. The Designated Data Controllers at the Enfield Learning Trust are the Executive Leadership team, Senior leadership Team and the Administration Team.

Anyone who considers that this Policy has not been adhered to in respect of themselves or their child should raise the matter with the Executive Business Manager, in the first instance.

Responsibilities of Staff:

All staff are responsible for:

- Checking that any information that they provide to the school in connection with their employment is accurate and up to date
- Informing the school of any changes to information that they have provided, e.g. change of address. The school cannot be held responsible for any errors unless the staff member has informed the school of such changes
- Handling all personal data (e.g. pupil attainment data) with reference to this policy.

Data Security

- Personal data held in paper form is kept in locked cabinets and is only taken off school premises with the permission of the Executive Headteacher, on the understanding that it be securely stored.
- Personal data should always be locked away at the end of every day and should not be left visible on desks, noticeboards, etc. at any time.
- Personal data held on a computer must be password protected or encrypted and regularly backed up.
- Personal information must be kept in a locked filing cabinet, drawer or safe.
- Personal information held on a memory drive must be kept in a locked filing cabinet, drawer or safe.
- Child Protection records are kept in a locked cabinet – access is restricted to the Senior Leadership Team.
- Laptops and computers are password protected
- Sensitive data should never be stored off site.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Rights to Access Information:

All staff, parents and other users are entitled to:

- Know what information the School holds and processes about them or their child and why.
 - Know how to gain access to it
 - Know how to keep it up to date
 - Know what the school is doing to comply with it's obligation under the 1998 Act
- The School will, upon request, provide all staff, parents and other relevant individuals with a statement regarding the types of personal data held about them, the processes about them and the reasons for which they are processed. **(Appendix 1: Privacy Notice Staff and Pupils)**

- All staff, parents and other individuals have a right to access certain personal data kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should make a request in writing and submit it to the Executive Headteacher. The School will ask to see evidence of your identity such as passport or driving licence, before disclosure of information. The School may make a charge on each occasion that access is requested in order to meet the costs of providing the details of the information held. The School aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days (calendar days irrespective of school holiday periods), as required by the 1998 Act. However the 40 days will not commence until after receipt of fees or clarification of information sought
- The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure
- 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.
- If there are concerns over the disclosure of information then additional advice should be sought.

Subject Consent:

In many cases, the School can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the School processing some specified classes of personal data is a condition of acceptance of employment for staff. This included information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The School has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The School has a duty of care to all staff and students and must therefore make sure that employees and those who use School facilities do not pose a threat or danger to other users. The School may also ask for information about particular health needs, such as asthma or diabetes. The School will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

Processing Sensitive Information:

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the school is a safe place for everyone, or to operate other school policies such as the Sick Pay Policy or the Equalities Policy. Because this information is considered sensitive under the 1998 Act, staff will be asked to give their express consent for the school to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Monitoring:

This is on-going; where any clarifications or actions are needed the Policy will be amended at its next review

Retention of Data:

The School has a duty to retain some staff and pupil personal data for a period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references. Different categories of data will be retained for different periods of time.

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)

Contacts:

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

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

Conclusion:

Compliance with the 1998 Act is the responsibility of all members of the school. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even criminal prosecution.

Appendix 1

ENFIELD LEARNING TRUST PRIVACY NOTICE

for

Pupils in Schools and Children in Early Years Settings with the Trust

Privacy Notice - Data Protection Act 1998

The Enfield Learning Trust are a data controller for the purposes of the Data Protection Act. We collect personal information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data to:

- Support your learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well we are doing.

Information about you that we hold includes your contact details, national curriculum assessment results, attendance information¹ and personal characteristics such as your ethnic group, any special educational needs you may have and relevant medical information. If you are enrolling for post 14 qualifications the Learning Records Service will give us your unique learner number (ULN) and may also give us details about your learning or qualifications.

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

We are required by law to pass some information about you to our Local Authority (LA) and the Department for Education. Our LA, under strict information sharing protocols and policies, may be required to share this information with other public sector partners such as other Local Authorities or local Children Centres. If you want to receive a copy of the information about you that we hold or share, please contact the Chief Operations Officer.

If you need more information about how the LA and DfE store and use your information, then please go to the following websites:

http://www.enfield.gov.uk/downloads/download/2060/data_protection_for_schools

or

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you cannot access these websites, please contact the DfE as follows:

Public Communications Unit
Department for Education
Sanctuary Buildings, Great Smith Street, London, SW1P 3B

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School Workforce: those employed or otherwise engaged to work at a school within the Trust

¹ Attendance information is **NOT** collected as part of the Censuses for the Department for Education for the following pupils / children - a) in Nursery schools; b) aged under 4 years in Maintained schools; c) in Alternative Provision; and d) in Early Years Settings.

Privacy Notice - Data Protection Act 1998

The Enfield Learning Trust are the Data Controller for the purposes of the Data Protection Act.

Personal data is held by the school about those employed or otherwise engaged to work at the school or Local Authority. This is to assist in the smooth running of the school and/or enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of school workforce data across the sector;
- Enabling a comprehensive picture of the workforce and how it is deployed to be built up;
- Informing the development of recruitment and retention policies;
- Allowing better financial modelling and planning;
- Enabling ethnicity and disability monitoring; and
- Supporting the work of the School Teachers' Review Body.

This personal data includes some or all of the following - identifiers such as name and National Insurance Number and characteristics such as ethnic group; employment contract and remuneration details, qualifications and absence information.

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

We are required by law to pass on some of this data to:

- the LA
- the Department for Education (DfE)

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

- http://www.enfield.gov.uk/info/17/schools-general_information/555/privacy_notice

and

- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you are unable to access these websites, please contact the DfE as follows:

Public Communications Unit, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. Telephone: 0370 000 2288

Website: <https://www.gov.uk/government/organisations/department-for-education>

Signature of Chair of Trustees:

Signature of Chief Executive Officer:

