

Date Valley School

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Data Protection Policy.

Date Valley School collects and uses certain types of personal information about staff, volunteers, student placements, children, parents, and other individuals who come into contact with the school in order provide education and associated activities.

In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Education Authorities (LEAs), government agencies and other bodies. A Fair Processing Notice is given to all parents at the beginning of an academic year. This notice details which agencies and bodies' personal information may be shared with.

This policy is intended to ensure that personal information must be dealt with properly 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 used, recorded and stored and whether it is held in paper files or electronically.

What is Personal Information / data?

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 Eight Data Protection Principles as laid down in the 1998 Data Protection Act must be followed at all times:

- Data must be processed fairly and lawfully.
- Personal data shall be obtained only for one or more specific and lawful purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed.
- Personal data shall be accurate and where necessary kept up to date.
- Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subjects under the 1998 Data Protection Act.
- 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.
- Personal data shall not be transferred abroad, 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.

Date Valley School is committed to maintaining the above principles at all times.

This means that we:

- have an obligation to tell you, when asked, what purposes we will use collected information for.
- will share personal information with school personnel when it is necessary and legally appropriate to do so.
- will inform you about sharing collected information with outside bodies or agencies. (See Fair Processing Notice, Appendix 2)
- will check the quality and accuracy of the information we hold.
- will ensure that information is not held longer than is legally necessary.

- will ensure that when information is authorised for disposal it is done appropriately.
- will ensure appropriate security measures to safeguard personal information, whether that is held in paper files or on our computer system.
- will set out clear procedures for responding to requests for access to records, held on your child. (See Appendix 1)
- will train our staff so that they are aware of the schools policies and procedures.

Complaints:

Complaints under this policy should be made in accordance to the schools Complaints Policy.

Contacts:

If you have any concerns or questions in relation to this policy please contact the School Manager who will also act as the contact point for any requests under the Data Protection Act.

This policy has been read and approved for Date Valley School, by the School Principal and the Date Valley Trust Policy Committee.

Date: May 2013

Appendix 1:

Privacy Notice - Data Protection Act 1998

Date Valley School is the Data Controller for the purposes of the Data Protection Act. We collect information from you, and may receive information about you from your previous childcare provider. We hold this personal data and use it to:

- support your child's teaching and learning
- monitor and report on your child's progress
- provide appropriate pastoral care
- assess how well we are doing
- claim funding for free early education (3 to 5 year olds)
- assess provision of specific functions for which the local authority is responsible, such as the provision of school places or the assessment of any special educational needs the child may have

This information includes your child's contact details, observation and assessment records, national curriculum assessment results, attendance information^A, characteristics such as ethnic group, special educational needs and any relevant medical information. If your child has been identified by the setting as having additional needs, this information will be shared with Inclusion Officers and the support provided to your child will be monitored.

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 (DfE)

If you want to see a copy of the information we hold and share about you then please contact Tahira Khan at Date Valley School.

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

^A Attendance information is not collected for pupils under 5 at Early Years Settings or Maintained Schools

- <http://www.merton.gov.uk/council/dp-foi>
<http://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

Information Governance Team
London Borough of Merton
Civic Centre, Morden
SM4 5DX
Email: data.protection@merton.gov.uk

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

website: www.gov.uk/government/organisations/department-for-education
email: www.education.gov.uk/help/contactus
Telephone: 0370 000 2288

Updated: 02/04/2015

Appendix 2:

Procedures for Responding to Requests for Personal Information in Accordance with the Data Protection Act (1998)

Anybody who makes a request to see their child's file or other personal data held on them is making a request under the Data Protection Act 1998. All information relating to the child should be considered for disclosure.

There is a statutory exception to the above, where parents do have an automatic right to access defined materials under The Education (School Records) Regulations 1989. The school will observe these statutory rights.

If there is a current court order which relates to information regarding any child, that order must, regardless of other circumstances, be observed.

Dealing with a Data Protection Request:

- A request under the Data Protection Act must be made in writing.
- A letter identifying information required should be sent to the School Manager. If you cannot identify the information required at the time of the initial request, further requests can be made to ask for more information.
- The School Manager must be confident of the identity of the individual making the request. The applicant's identity can be confirmed by asking the applicant to produce valid identification, such as a passport or photo-driving license. These checks should be done in addition to proof of relationship with the child.
- The School Manager will have the responsibility for ensuring the child's welfare is appropriately considered in deciding whether to comply with a request. Normally the

requester will have to prove both their relationship with the child and that disclosure is in the child's best interests to the satisfaction of the School Manager. In the event of a child having sufficient capacity to understand (normally age 12 or above) the School Manager should discuss the request with the child and take their views into account when making a decision. There may be circumstance in which a child can refuse their consent to a request.

- The response time for subject access requests, once officially received, is 40 days (not working or school days but calendar days, irrespective of school holiday periods).
- The school may charge a statutory fee, currently calculated on a sliding scale, but only if a permanent copy of the information is provided. If a letter is sent out requesting a fee the 40-calendar day statutory timescale does not begin until the fee is received. It is important though that no request is delayed unnecessarily by time taken to inform the applicant of a fee.
- The school will make use of exemptions under the Act as appropriate. All files must be reviewed before any disclosure takes place. **Under no circumstance will access be granted immediately or before this review process has taken place.**
- Where information has been provided to the School by a third party, for example by the local authority, the police, a health care professional or another school, but is held on the school's file it is normal to seek the consent of the third party before disclosing information. This must be done early in the process in order to stay within the 40-day timescale. Even if the third party does not consent or consent is explicitly not given the data may be disclosed. In these cases it may be appropriate to seek additional advice.
- The applicant should be told the data that the school holds, be told the purposes for which it is processed and whether it has been shared with any other party. It is good practice to explain whether data has been withheld and if so why. There may be circumstances where this is not appropriate; as the School Manager should at all times consider the welfare of the child. The school should also to give details of who to contact in the event of a complaint and the details of the Information Commission who can provide independent information.
- Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or parts of the data can be retyped if this is more sensible. In any event a copy of the full document (before obscuring) and the altered document should be retained together with the reason why the document was altered. This is so, that in the event of a complaint, there is an audit trail of what was done and why.
- Information can be provided by post (registered mail) or on deposit at the school with a staff member available to help the applicant. If the latter is used the applicant must have access to a photocopier in case they want a permanent copy of data disclosed. In considering the method of delivery the views of the applicant should be taken into account. Any codes, technical terms or abbreviations should be explained. Any data which is difficult to read or illegible should be retyped.
- Schools should monitor the number of requests received and document whether they are dealt with within the 40-calendar day statutory timescale.
- The Act applies only to living individuals.

Further advice and information, including a full list of exemptions is available from the Information Commissioner's office, website: www.ico.gov.uk or telephone: 0303 123 1113 / 01625 545 745.