Data Protection Policy

Review: July 2021

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1.1 Introduction

Rastrick High School is fully committed to compliance with the requirements of the Data Protection Act 1998 ("the Act"), which came into force on the 1st March 2000. The school will therefore follow procedures that aim to ensure that all employees, elected members, contractors, agents, consultants, partners or other servants of the school who have access to any personal data held by or on behalf of the school, are fully aware of and abide by their duties and responsibilities under the Act.

Rastrick High School recognises The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) adopted 27 April 2016, the two-year transition period and the application date of 25 May 2018 and is compliant with that directive.

1.2 Statement of policy

In order to operate efficiently, Rastrick High School has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, parents, carers and students, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.

Rastrick High School regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the school and those with whom it carries out business. The school will ensure that it treats personal information lawfully and correctly.

To this end the school fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998 and the new GDPR regulations.

1.3 The principles of data protection

The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable.

The Principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Shall be kept secure i.e. protected by an appropriate degree of security;

8. 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.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data and "sensitive" personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

1.4 Handling of personal/sensitive information

Rastrick High School will, through appropriate management and the use of strict criteria and controls:-

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

  These include:

  - The right to be informed that processing is being undertaken;
  - The right of access to one's personal information within a 1 month period;
  - The right to prevent processing in certain circumstances;
  - The right to correct, rectify, block or erase information regarded as wrong information.

In addition, Rastrick High School will ensure that:

- There is someone with specific responsibility for data protection in the organisation (Data Protection Officer);

- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Everyone managing and handling personal information is appropriately trained to do so;
- Everyone managing and handling personal information is appropriately supervised;
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do;
- Queries about handling personal information are promptly and courteously dealt with;
- Methods of handling personal information are regularly assessed and evaluated;
- Performance with handling personal information is regularly assessed and evaluated;
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures;
- Data will not be held for longer than is necessary by the school. The schools data retention policy outlines the timescales that Rastrick High School will hold specific data.

All elected members are to be made fully aware of this policy and of their duties and responsibilities under the Act.

All managers and staff within the school will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised.
- If data is stored on removable media (like a CD or DVD), these should be kept locked away securely when not being used.
- Data should only be stored on designated drives and servers, and should only be uploaded to an approved cloud computing services or the schools secure remote access.
- Servers containing personal data should be sited in a secure location, away from general office space.
- Data should be backed up frequently. Those backups should be tested regularly, in line with the company's standard backup procedures.
- Data should never be saved directly to laptops or other mobile storage devices like tablets, smart phones or USB drives

All contractors, consultants, partners or other servants or agents of the School must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the school, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the school and that individual, company, partner or firm;
- Allow data protection audits by the school of data held on its behalf (if requested);
- Indemnify the school against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

All contractors who are users of personal information supplied by the school will be required to confirm that they will abide by the requirements of the Data Protection Act and GDPR regulations with regard to information supplied by the school.

1.5 Implementation Responsibilities

Everyone who works for or with Rastrick High School has some responsibility for ensuring data is collected, stored and handled appropriately.

Each team that handles personal data must ensure that it is handled and processed in line with this policy and data protection principles.

However, these people have key areas of responsibility:

- The **board of directors** is ultimately responsible for ensuring that Rastrick High School meets its legal obligations.
- The **data protection officer, Peter Dawson,** is responsible for:
    - Keeping senior leadership updated about data protection responsibilities, risks and issues.
    - Reviewing all data protection procedures and related policies, in line with an agreed schedule.
    - Arranging data protection training and advice for the people covered by this policy.
    - Handling data protection questions from staff and anyone else covered by this policy.
    - Dealing with subject access requests from individuals to see the data Rastrick High School holds about them (also called 'subject access requests').
    - Checking and approving any contracts or agreements with third parties that may handle the company's sensitive data.
- The **IT Technician, Chris Brookes,** is responsible for:
    - Ensuring all systems, services and equipment used for storing data meet acceptable security standards.
    - Performing regular checks and scans to ensure security hardware and software is functioning properly.
    - Evaluating any third-party services the company is considering using to store or process data. For instance, cloud computing services.

1.6 Notification to the Information Commissioner

The Information Commissioner maintains a public register of data controllers. Rastrick High School is registered as such.

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

Any changes to the register must be notified to the Information Commissioner, within 28 days.

1.7 Dealing with Subject Access Requests

All individuals who are the subject of personal data held by Rastrick High School are entitled to:

- Ask **what information** the company holds about them and why.
- Ask **how to gain access** to it.
- Be informed **how to keep it up to date.**
- Ask for certain data to be **erased**.
- Be informed how the company is **meeting its data protection obligations**.
- Have the right of data **portability**.

If an individual contacts the school requesting this information, this is called a subject access request.

Subject access requests from individuals should be made by email, addressed to the data controller at SubjectAccessRequest@rastrick.calderdale.sch.uk. The data controller can supply a standard request form, although individuals do not have to use this.

Individuals may be subject to a fee for the provision of data. The data controller will aim to provide the relevant data within one month of receiving the subject access request.

The data controller will always verify the identity of anyone making a subject access request before handing over any information.

1.8 Providing Information over the Telephone

Any member of staff dealing with telephone enquiries should be careful about disclosing any personal information held by the school. In particular they should:

(a) Check the caller's identity to make sure that information is only given to a person who is entitled to it.

(b) Suggest that the caller put their request in writing if they are not sure about the caller's identity and where their identity cannot be checked.

(c) Refer to the School Business Manager for assistance in difficult situations. No-one should be pressurised into disclosing personal information.

1.9 Monitoring and Review of the Policy

This policy is reviewed annually by the Data Protection Officer to ensure it is achieving its stated objectives and to ensure the school continues to comply with its legal obligations.