

# Manor Croft Academy

## Data Protection Policy

Issue Date	24 <sup>th</sup> September 2014
Review Date	<b>31<sup>st</sup> January 2017</b>

## CONTENTS

1. Introduction
  2. Purpose
  3. Principles
  4. Conditions
  5. Individuals' rights
  6. Data Protection Procedures
  7. Breaches of the Policy
  8. Complaints
  9. Review
- Subject Access Request Form

## 1. Introduction

SPTA regards the appropriate treatment of personal information as important to the successful and efficient performance of its functions. To this end SPTA fully endorses and adheres to the Principles of Data Protection, as set out in the Data Protection Act 1998.

## 2. Purpose

The purpose of this policy is to ensure that all SPTA Directors, staff and Education Advisory Body members are clear about the purpose and principles of Data Protection and to ensure that SPTA has guidelines and procedures in place which are consistently followed. Failure to adhere to the Data Protection Act 1998 is unlawful and could result in legal action being taken against SPTA.

This policy and associated procedures set out how SPTA and its Academies deal with personal information and applies to all personal information however it is collected, used, recorded and stored and whether it is held on paper or electronically.

All SPTA Core Team, Academy staff and EAB members involved in the collection, use, processing or disclosure of personal data are required to be aware of their duties and responsibilities and to adhere to this policy.

## 3. Principles

The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals, who are referred to as data subjects in the Act. This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes.

Data users must comply with the data protection principles of good practice which underpin the Act. 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 SPTA follows the eight Data Protection Principles outlined in the Data Protection Act 1998, which are summarised below:

- Personal data will be processed fairly and lawfully;
- Data will only be collected and used for specified purposes;
- Data will be adequate, relevant and not excessive;
- Data will be accurate and up to date;
- Data will not be held any longer than necessary;
- Data subjects' rights will be respected;
- Data will be kept safe from unauthorised access, accidental loss or damage; and
- Data will not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

Personal information or data is information which relates to a living individual who can be identified from that data, or from that data in addition to other available information. Personal data includes (but is not limited to) an individual's name,

address, date of birth, photograph, CCTV images, bank details, or other information that identifies them.

SPTA employees and EAB members who process or use any personal information in the course of their duties must ensure that these principles are followed at all times.

#### **4. Conditions**

SPTA will ensure that at least one of the following conditions is met before we process any personal data:

- the individual has consented to the processing;
- the processing is necessary for the performance of a contract with the individual;
- the processing is required under a legal obligation (other than one imposed by a contract);
- the processing is necessary to protect vital interests of the individual;
- the processing is necessary to carry out public functions e.g. administration of justice; and
- the processing is necessary in order to pursue our legitimate interests or those of third parties (unless it could unjustifiably prejudice the interests of the individual).

Under the Act, one of a set of additional conditions must be met for 'sensitive personal data'. This includes information about racial or ethnic origin, political opinions, religious and other beliefs, trade union membership, physical or mental health condition, sex life, criminal proceedings or convictions. We will ensure that one of the following additional conditions is met before we process any sensitive personal data:

- the individual has explicitly consented to the processing;
- we are required by law to process the information for employment purposes;
- we need to process the information in order to protect the vital interests of the individual or another person; and
- the processing is necessary to deal with the administration of justice or legal proceedings.

#### **5. Individuals' rights**

We will ensure that individuals are given their rights under the Act including:

- the right to obtain their personal information from us except in limited circumstances; and
- the right to ask us not to process personal data where it causes substantial unwarranted damage to them or anyone else.

#### **6. Procedures**

The following procedures have been developed in order to ensure that SPTA meets its responsibilities in terms of Data Protection.

SPTA as a body is a Data Controller under the Act.

SPTA obtains personal data (names, addresses, phone numbers, email addresses and photographs), application forms, and references and in some cases other documents from pupils, staff and EAB members. This data is stored and processed for the following purposes:

- Educational monitoring and improvement;
- Recruitment;
- Equal Opportunities monitoring;
- Distribution of relevant organisational material e.g. meeting papers;
- Payroll; and
- Marketing.

### **6.1. Access**

The contact details of staff and EAB members will only be made available to other staff and EAB members. Any other information supplied on application will be kept in a secure filing cabinet and is not accessed during the day-to-day running of the organisation.

Contact details of staff and EAB members will not be passed on to anyone outside SPTA without their explicit consent. Staff and EAB members will be supplied with a copy of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

### **6.2. Accuracy**

SPTA will take reasonable steps to keep personal data up to date and accurate. Personal payroll data will be stored for seven tax years.

Unless the organisation is specifically asked by an individual to destroy their details, they will be kept on file for future reference. The Chief Executive has responsibility for authorising the destruction of Human Resources files.

### **6.3. Storage**

Personal data is kept in paper-based systems and on password-protected computer systems. Every effort is made to ensure that paper-based data are stored in organised and secure systems.

SPTA operates a clear desk policy.

### **6.4. Information Security Statement**

SPTA Electronic Storage Devices are encrypted prior to use and are only removed from site where absolutely necessary for the purpose of carrying out contractual duties.

### **6.5. Scanning**

Electronic Storage Devices are cleared immediately after use when used to scan documents from the printer/copier.

## **6.6. Use of Photographs**

SPTA seeks permission from individuals and or parents before displaying photographs.

This policy also applies to photographs published on the organisation's websites, in SPTA Promotional Material or media press releases.

## **6.7. Disclosure and Barring Service (DBS)**

SPTA will act in accordance with the DBS's Code of Practice.

## **6.8. Retention of Data**

No documents will be stored for longer than is necessary.

All documents containing personal data will be disposed of securely in accordance with the Data Protection principles.

## **6.9. Subject Access Requests (SARs)**

The Data Protection Act gives individuals the right to request the personal information SPTA holds about them – the right of subject access. The definition of personal data for this purpose extends to any personal information held on record by SPTA or an individual Academy.

Parents can make SARs on their children's behalf if the children are deemed too young to look after their own affairs or they have consented to their parents doing this on their behalf.

Handling subject access requests can be difficult and time consuming. Getting it right is important, particularly if other individuals' personal data is included in the information that should be provided to the requestor. There are some exemptions to the right of access to information in certain records held by Academies. All subject access requests should be made in writing to the SPTA Data Protection Officer, using the form in Appendix A.

The SPTA Data Protection Officer is Lucy Betteridge. She can be contacted via [Lucy.betteridge@schoolpartnershiptrust.org.uk](mailto:Lucy.betteridge@schoolpartnershiptrust.org.uk).

Subject access rights under the DPA are separate to the right of access to educational records under the Pupil Information Regulations for England, Northern Ireland, Scotland and Wales, which give a parent the right to information in their child's educational record.

## **7. Maintenance and review**

This Policy will be reviewed after three years or when there are changes to relevant legislation.

## **8. Breaches of the Policy (including breaches of security)**

Any breach of the Policy by SPTA staff will be investigated in accordance with the SPTA disciplinary policy.

Any questions or concerns about the interpretation or operation of this policy should in the first instance be referred to the Line Manager and then to the Data Protection Officer.

## 9. Complaints

Any complaints about the operation of this policy will be dealt with in accordance with the SPTA Complaints Policy. This can be found on the SPTA website.

Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at [www.ico.gov.uk](http://www.ico.gov.uk)

**SPTA CCTV Policy**

**Subject Access Request Form**

**Appendix A**

You have the right to request a copy of the information that is held about you. You can ask SPTA to supply you with copies of both paper and computer records and related information. SPTA may charge a fee of up to £10. There are special rules that apply to fees for education records (a sliding scale from £1 to £50 depending on the number of pages provided). However, it is important to remember that not all personal information is covered and there are exemptions within the Act which may allow SPTA to refuse to comply with your subject access request in certain circumstances. If this is the case we will explain this to you when we respond to your request.

This form should be used for requests for access to personal data held by SPTA or its Academies under the Data Protection Act 1998. Please refer all requests and completed forms to Lucy Betteridge, the SPTA Data Protection Officer. [Lucy.betteridge@schoolpartnershiptrust.org.uk](mailto:Lucy.betteridge@schoolpartnershiptrust.org.uk).

**To be completed by Applicant**

Date	
Name	
Address	
Contact telephone number	
Details of information requested	

**To be completed by SPTA representative**

Date received	
Date passed to SPTA Data Protection Officer	
Name & Signature	

Position	
Date	