Diocese of Hereford Multi-Academy Trust

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Owner	Diocese Hereford Multi-Academy Trust

Data Protection Policy

Contents

The Diocese of Hereford Educational Trust (DHMAT) are the Data Controller for the purposes the Data Protection Act (DPA) 1998 and the General Data Protection Regulations 2018.

The DPA defines “Personal Data” as data that relates to a living individual who can be identified:-

- from that data, or
- from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller

1. Aims

We aim to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed, in accordance with the Data Protection Act 1998, and the General Data Protection Regulations 2018.

This policy applies to all data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the Data Protection Act 1998, and the General Data Protection Regulations 2018, using guidance published by the Information Commissioner's Office (ICO) and information on privacy notices published by the Department for Education.

This policy complies with our funding agreements and articles of association as a member of The Diocese of Hereford Educational Trust (DHMAT)

3. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: Contact details Racial or ethnic origin Political opinions Religious beliefs, or beliefs of a similar nature Where a person is a member of a trade union Physical and mental health Sexual orientation Whether a person has committed, or is alleged to have committed, an offence Criminal convictions
Processing	Obtaining, recording or holding data

Data Subject	The person whose personal data is held or processed
Data Controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data Processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller
Personal Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The Data Protection Officer

4.1 As a Trust, we are required to appoint a Data Protection Officer (DPO). Our DPO is based at Ludlow CE School and her contact details are as follows: -

Mrs Rowena Morris
School Business Manager
Ludlow CE School
Bromfield Road
Ludlow
Shropshire
SY8 1GJ
T: 01584 872691
E: dpo@ludlowschool.com

4.2 The DPO is responsible for ensuring compliance with the Data Protection legislation and with this policy. Any questions about the operation of the polity, or any concerns that the policy have not been followed, should be referred in the first instance to the SPO.

4.3 The DPO is also the central point of contact for all **data subjects** and others in relation to matters of data protection.

5. The data controller

The academy is a part of the Diocese of Hereford Educational Trust, who processes personal information relating to pupils, staff and visitors, and, therefore, are the data controller.
The Trust is registered as a data controller with the Information Commissioner's Office.

6. Data Protection principles

The Data Protection Act 1998 and the General Data Protection Regulations 2018, are based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- 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 to a country or territory outside the European Economic Area, unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

7. Roles and responsibilities

This policy applies to **all staff** employed by the Trust, who has overall responsibility for ensuring that the Trust complies with its obligations under the Data Protection Act 1998 and the General Data Protection Regulations 2018.

Data protection is the responsibility of the CEO, and day-to-day responsibilities rest with the Headteachers in each of the academies. The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data. The Headteacher may delegate some duties to a designated member of staff but retains the overall responsibility for the academy.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the academy of any changes to their personal data, such as a change of address.

8. Privacy/Fair Processing Notice

7.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the academy is performing. We may also receive data about pupils from other organisations including, but not limited to, other academies, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent, unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

7.1.1 For secondary academies only

Once our pupils reach the age of 13, we are legally required to pass on certain information to our Local Education Authority, which has responsibilities in relation to the education or training of 13-19-year-olds. Parents, or pupils, if aged 16 or over, can request that only their name, address and date of birth be passed to the Local Authority by informing the Headteacher/designated member of staff.

We are required, by law, to pass certain information about pupils to specified external bodies, such as the DHMAT, Local Authority and the Department for Education, so that they are able to meet their statutory obligations.

7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, the academy. The purpose of processing this data is to assist in the running of the academy, including:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedure

The Diocese of Hereford Educational Trust (Trust): the employers for purposes of payroll and personnel information. We are required to share information about our employees with the DfE under section 5 of the Education (Supply of Information about the Academy Workforce) (England) Regulations 2007 and amendments.

Local authority (LA): We are required to share information about our workforce members with our LA under section 5 of the Education (Supply of Information about the Academy Workforce) (England) Regulations 2007 and amendments.

Department for Education (DfE): We share personal data with the DfE on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to academy funding / expenditure and the assessment educational attainment.

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the academy holds should contact the Headteacher/designated member of staff.

8. Subject access requests (SARs)

Under the Data Protection Act 1998, and The General Data Protection Regulations 2018, pupils and staff have a right to request access to information the Trust holds about them, this is known as a Subject Access Request. Subject Access Requests must be submitted in writing, using the form available on the website www.baet.org.uk

The Trust will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that a pupil/staff is at risk of abuse, where disclosure of that information would not be in their best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the pupil/staff member

Subject access requests for all or part of a pupil's educational record will be provided within one month.

9. Parental requests to view educational records

Parents have the right of access to their child's educational record, free of charge, within one month of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of Subject Access Request rights. For a parent to make a SAR, the child must either be unable to understand their rights and the implications of a request or have given their consent.

The Information Commissioner's Office (ICO), the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most SARs from parents of pupils at our academies may not be granted without the express permission of the pupil.

Parents of pupils at our academies do not have an automatic right to access their child's educational record. The academy will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office.

10. Storage of records

- Paper-based records that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off-site (in paper or electronic form), staff must ensure it is secure and in their possession at all times
- Passwords containing letters and numbers are used to access computers, laptops and other electronic devices. Staff are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for academy-owned equipment

11. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

12. Training

Our staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the academy's processes make it necessary.

All staff are expected to adhere to these guidelines:

- **Always use a strong password, containing alpha/numeric combinations**
- **Encrypt emails containing data or send via 'OneDrive'**
- **Lock your computer before leaving your work space**
- **Make sure your anti-virus software is up to date**
- **Ensure security of unprotected data taken out of office/academy**
- **Only use encrypted memory cards and USB drives**
- **Paper-based data - COVER IT! LOCK IT! SHRED IT!**

13. The General Data Protection Regulation

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation came into force in May 2018. We have reviewed working practices for this new legislation. Training will be provided to members of staff and governors where appropriate.

14. Monitoring arrangements

The Directors and CEO are responsible for monitoring and reviewing this policy. At every review, the policy will be shared with the full Board of Directors. Monitoring is also undertaken by the Trust's Data Protection Officer

15. Links with other policies and documents

- Freedom of information Policy https://ico.org.uk
- Information Management for Academy – IRMS www.irms.org.uk
- Retention of Documents
- Privacy Notice – Staff
- Privacy Notice – Pupils

Updates	**Date:**
Details of Data Protection Officer included	March 2019
Rebrand trust name change and reformat, no content change	September 2019