



# WELSHPOOL HIGH SCHOOL

## DATA PROTECTION POLICY – (Statutory)

**DATE REVIEWED;**      **February 2021**

**DATE FOR REVIEW;**    **February 2022**

A handwritten signature in black ink that reads "David Rogers".

**SIGNED** \_\_\_\_\_  
**Chair of Governing Body**

**Date:** 1/2/2021

A handwritten signature in black ink that reads "J. Tom".

**SIGNED** \_\_\_\_\_  
**Headteacher**

**Date:** 1/2/2021

## **Welshpool High School Data Protection Policy**

The school collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on. (See Appendix 1).

### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulations (GDPR) of May 2018 which builds upon the Data Protection Act of 1998 and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

### **What is Personal Information?**

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 General Data Protection Regulations (GDPR) of May 2018 establishes six enforceable principles that must be adhered to at all times:

1. Personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Personal data shall be accurate and, where necessary, kept up to date, every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
6. Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Article 5 (2) GDPR requires that:

“The controller shall be responsible for, and be able to demonstrate, compliance with the principles’

## **General Statement**

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests (See Appendix 2).
- Ensure our staff are aware of and understand our policies and procedures. Staff are required to sign a policies handbook stating that they have read and understood all school policies.

## **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).

## **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every year. The policy review will be undertaken by the Headteacher, or nominated representative, and the governors Policy and Curriculum Committee.

## **Contacts**

If you have any enquires in relation to this policy, please contact Mr. Jim Toal who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner’s Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113 or 029 2067 8400 for the Wales Regional Office.

## Appendix 1

### **Privacy Notice: What the School, Local Authority and Welsh Government does with Information it holds of Pupils**

#### **Subject**

To meet the requirements of the Data Protection Act 1998 and GDPR, schools are required to issue a Privacy Notice to pupils and/or parents summarising the information held on record about pupils, why it is held, and the third parties to whom it may be passed on.

The Privacy Notice provides information about the collection and processing of pupils' personal and performance information by the Welsh Government, Powys Local Authority (LA) and Welshpool High School.

The school collects information about pupils and their parents or legal guardians when they enrol at the school. The school also collects information at other key times during the school year. Information is also received from other schools when pupils transfer.

The School processes the information it collects to administer the education it provides to pupils. For example:

- The provision of education services to individuals;
- Monitoring and reporting on pupils' educational progress;
- The provision of welfare, pastoral care and health services;
- The giving of support and guidance to pupils, their parents and legal guardians;
- The organisation of educational events and trips;
- Planning and management of the school.

#### **Welsh Government & Local Authority (LA)**

The Welsh Government receives information on pupils as part of the Pupil Level Annual Schools' Census (PLASC). The Welsh Government uses this personal information for research and for statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. Examples of the sort of statistics produced can be viewed at

[www.wales.gov.uk/statistics](http://www.wales.gov.uk/statistics)

The LA also uses the personal information collected via PLASC to do research. It uses the results of the research to make decisions on policy and the funding of schools, to calculate the performance of schools and help them set targets. The research is carried out in such a way that ensures individual pupils cannot be identified.

In addition, the Welsh Government and LAs receive information regarding National Curriculum assessment and Public Examination results and attendance data at pupil level.

#### **Personal Information Held**

The sort of personal information that will be held includes;

- Personal details such as name, address, date of birth, pupil identifiers and contact details for parents and guardians;
- Information on performance in internal and national assessments and examinations;

- Information on the ethnic origin and national identity of pupils ( this is used only to prepare summary statistical analysis);
- Details about pupils' immigration status (this is used only to prepare summary statistical analysis);
- Medical information needed to keep pupils safe while in the care of the school;
- Information on attendance and any disciplinary action taken
- Information about the involvement of social services with individual pupils where this is needed for the care of the pupils.

### **Organisations that may share personal information**

Information held by the school, LA and the Welsh Government on pupils, their parents or legal guardians may also be shared with other organisations when the law allows, for example with;

- Other education and training bodies, including schools. When pupils are applying for courses, training, school transfer or seeking guidance on opportunities;
- Bodies doing research for the Welsh Government, LA and schools, so long as steps are taken to keep the information secure;
- Central and local government for the planning and provision of educational services;
- Social services and other health and welfare organisations where there is a need to share information to protect and support individual pupils;
- Various regulatory bodies, such as ombudsmen and inspection authorities, where the law requires that information be passed on so that they can do their work.

Pupils have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any organisation. The presumption is that by the age of 12 a pupil has sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request on a pupil's behalf if the pupil is younger.

If you wish to access your personal data, or that of your child, then please contact [office@welshpool-hs.powys.sch.uk](mailto:office@welshpool-hs.powys.sch.uk) or for those pupils/parents where this is not practical, a hard copy can be obtained from the school by contacting the Head Teacher in writing.

### **Other Information**

The Welsh Government, LA and school place a high value on the importance of information security and have a number of procedures in place to minimise the possibility of a compromise in data security.

The Welsh Government, LA and school will endeavour to ensure that information is kept accurate at all times. Personal information will not be sent outside the

United Kingdom.

Your rights under the Data Protection Act 1998 give individuals certain rights in respect of personal information held on them by any organisation. These rights include;

- The right to ask for and receive copies of the personal information held on you, although some information can sometimes be legitimately withheld;
- The right, in some circumstances, to prevent the processing of personal information if doing so will cause damage or distress;
- The right to ask for wrong information to be put right;
- The right to seek compensation if an organisation does not comply with the Data Protection Act 1998 and you personally suffer damage;
- In some circumstances a pupil's parent or legal guardian will have a right to receive a copy of personal data held about a pupil in their legal care. Such cases will be considered on an individual basis where the individual is deemed to have insufficient understanding of their rights under the Act.

**You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act 1998, to assess whether or not the processing of personal information is likely to comply with the provisions of the Act.**

*Seeking further information*

For further information about the personal information collected and its use, if you have concerns about the accuracy of personal information, or to exercise your rights under the Data Protection Act 1998 you should contact;

- Your child's school on 01938 552014
- Your LA on 01597 826000
- The Welsh Government's data protection officer at, The Welsh Government, Cathays Park, Cardiff, CF10 3NQ;
- The Information Commissioner's office help line can be contacted on 01625 545 745;

Information is also available from [www.ico.gov.uk](http://www.ico.gov.uk)

## Appendix 2

### Welshpool High School

Procedures for responding to subject access requests made under the General Data Protection Regulations 2018 (Data Protection Act 1998).

#### **Rights of access to information**

There are two distinct rights of access to information held by schools about pupils.

1. Under the General Data Protection Regulations 2018 (Data Protection Act 1998) any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2011.

These procedures relate to subject access requests made under the General Data Protection Regulations 2018 (Data Protection Act 1998).

#### **Actioning a subject access request**

1. Requests for information must be made in writing; which includes email, and be addressed to the Headteacher, Mr. Jim Toal. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the pupil. Evidence of identity can be established by requesting production of at least two of the following:
  - passport
  - driving license
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement*This list is not exhaustive.*
3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the pupil and take their views into account when making a decision. A pupil with competency to understand can refuse to consent to the request for their records. Where the pupil is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the pupil.
4. There is no charge to the applicant making a Subject Data Access request.
5. The response time for subject access requests, once officially received, is one month, although an extension of two additional months may be necessary if a complex request is received.
6. Article 23 of The General Data Protection Regulations 2018 (The Date Protection Act 1998) allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 1 month statutory timescale.

8. 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 pupil is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.
13. Schools are required to monitor the number of requests received and the timescales involved.

### **Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact Mr. Jim Toal via his PA, Mrs. Helen Muir.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 08453 30 60 60, 01625 54 57 45 or the Wales Regional Office on 029 204 48044.