



## **Data Protection Policy**

**It is the responsibility of the Governors to ensure procedures are in place to ensure that the School complies with the General Data Protection Regulations 2018 (GDPR)**

### **1. Introduction**

In order to operate efficiently The Radclyffe School [the 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, clients and customers, 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.

The School is committed to ensuring personal information is properly managed and that it ensures compliance with the General Data Protection Regulations 2018 [GDPR]. The School will make every effort to meet its obligations under the legislation and will regularly review procedures to ensure that it is doing so.

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 Privacy Notice to all students/parents/carers, this summarises the information held on students, why it is held and the other parties to whom it may be passed on. The privacy notice is provided to parents within the Year 7 Induction information

### **2. Scope**

This policy applies to all employees, governors, contractors, agents and representatives and temporary staff working for or on behalf of the School.

This policy applies to all personal information created or held by the School in whatever format (e.g. paper, electronic, email, film) and however it is stored, (for example ICT system/database, shared drive filing structure, email, filing cabinet, shelving and personal filing drawers).

The GDPR does not apply to accessing information about deceased individuals.

### **3. Responsibilities**

Overall responsibility for compliance with the GDPR lies with the Governors and they have delegated the day-to-day responsibility to the Headteacher.

The Headteacher is assisted by the General Operations Manager who fulfils the role of Senior Information Risk Officer (SIRO) who is responsible for ensuring that appropriate training is provided for all staff.



Oldham Local Authority's Data Protection Officer will act as the School's Data Protection Officer. His/her role is to oversee and monitor the School's data protection procedures, and to ensure they are compliant with GDPR. The Data Protection Officer can be contacted by email at [DPO@oldham.gov.uk](mailto:DPO@oldham.gov.uk)

All members of staff or contractors who hold or collect personal data are responsible for their own compliance with the GDPR and must ensure that personal information is kept and processed in-line with the GDPR.

#### **4. The Requirements**

The GDPR stipulates that anyone processing personal data must comply with the six data protection principles of good practice; these principles are legally enforceable. The principles require that personal information:

1. Shall be processed fairly, lawfully and in a transparent manner
2. Shall be used for specific, explicit and legitimate purposes
3. Shall be used in a way that is adequate, relevant and limited
4. Shall be accurate and 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 a manner that ensures appropriate security of the data

Personal data is information about living, identifiable individuals. It covers both facts and opinions about the individual, but need not be sensitive information. It can be as little as a name and address. Such data can be part of a computer record or manual record.

#### **5. 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
- Ensure our staff are aware of and understand our policies and procedures



## **6. Rights of Access to Information (Subject Access Requests)**

Any person whose details are held by the School is entitled, under the GDPR, to ask for a copy of all information held about them (or child for which they are responsible).

Requests for information should be made in writing, which includes email, and be addressed to the SIRO. If the initial request does not clearly identify the information required, then further enquiries will be made.

In relation to the capacity of a child to make a subject access request, guidance provided by the Information Commissioner's Office has been that by the age of 12 a child can be expected to have sufficient maturity to understand the nature of the request. A child may of course reach sufficient maturity earlier; each child should be judged on a case by case basis.

If the child does not understand the nature of the request, someone with parental responsibility for the child, or a guardian, is entitled to make the request on behalf of the child and receive a response. The identity of the requestor must be established before the disclosure of any information, and checks will also be carried out regarding proof of relationship to the child. Evidence of identity will be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth/Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

## **7. Timescales/Charges**

- The response time for subject access requests, once officially received, is one month, however, if requests are complex or numerous the period of compliance can be extended a further two months. In these circumstances, the School must inform the individual within one month of the receipt of the request and explain why the extension is necessary.
- GDPR allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.
- 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 will normally be obtained. There is still a need to adhere to the one month statutory timescale.
- Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another will not be disclosed, nor will information that would reveal that the child is at risk of abuse, or information relating to court proceedings.



- If there are concerns over the disclosure of information then additional advice will be sought.
- Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.
- Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained.
- The School must provide a copy of the information free of charge, however, the School can charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive
- The School can charge a 'reasonable fee' to comply with requests for further copies of the same informations.
- Fees must be based on the administrative cost of providing the information.

## **8. Contacts**

If you have any queries in relation to this policy, please contact the School's SIRO who will also act as the contact point for any subject access requests or email

[admin@theradclyffeschool.co.uk](mailto:admin@theradclyffeschool.co.uk)

## **9. Review**

The policy will be reviewed as it is deemed appropriate, but no less frequently than every 5 years.

Date of next review – May 2023