



# Braeside School

## Data Protection Policy

### General Statement of the School's Duties

The School is required to process relevant personal data regarding pupils and their parents/guardians as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy any reference to pupils includes current, past or prospective pupils.

### Use of Personal Data

The School holds information about you and your child including exam results, parent and guardian contact details, financial information and details of medical conditions. This information is kept electronically on the School's information management system.

This policy refers to the processing of information. Processing is a catch-all term and means obtaining or recording information or carrying out any operation on the information such as storing or using the information or passing it on to third parties.

The School processes information about you and your child in order to safeguard and promote the welfare of your child, promote the objects and interests of the School, facilitate the efficient operation of the School and ensure that all relevant legal obligations of the School are complied with.

### Aims

The School aims never to:

- Hold or use inaccurate or misleading data
- Keep more data, more categories of data, or keep data for longer than is reasonably required in order to fulfil the Purposes of this policy
- Disclose *personal data*\* to others except in accordance with this policy
- Use personal data to make any *automated decision* which significantly affects a pupil, member of staff or parent
- Sell or transfer any part of its database(s) for the purposes of direct marketing.

### Principles

The School shall so far as is reasonably practicable comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure all data is:

- Secure
- Fairly and lawfully processed in accordance with the data subject's rights
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up-to-date
- Not kept for longer than necessary

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\* Words or phrases in italics are used or defined in the Data Protection Act 1998 ("the Act")

## **Purposes**

*Personal Data* covers both facts and opinions about an individual. The School may process a wide range of personal data of pupils, their parents or guardians as part of its operation. This personal data may include (but is not limited to):

- medical records and information, including details of any illnesses, allergies or other medical conditions suffered by your child
- personal details such as home address, date of birth and next of kin
- information concerning your child's performance at school, including discipline record, school reports and examination reports
- financial information including information about the payment of fees at this School or any other school
- attendance records, references or other data collected.

The School will process personal data both in electronic or *manual* (normally paper) form for the purposes of:

- Providing education and pastoral care to pupils and their parents, through the School's staff
- Fulfilling its contractual or other legal obligations towards current, past and prospective pupils, staff, parents, governors and others
- Providing academic, examination and career references for pupils and staff; and/or
- Protecting the *vital interests* of pupils and staff.

## **Data Controller**

The School has appointed the Group Bursar as Data Protection Controller (DPC), who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998.

## **Processing of Personal Data**

Consent may be required for the processing of personal data unless the processing is necessary for the School to undertake its obligations to pupils and their parents or guardians. Any information that falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

## **Sensitive Personal Data**

The School may, from time to time, be required to process sensitive personal data regarding a pupil, their parents or guardians relating to religion, race, or criminal records and proceedings. Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will generally be required in writing.

## **Registration**

The School is registered under the Act. This policy has been formulated under the Act and is intended to operate in accordance with the provisions and spirit of the Act and relevant guidance and good practice, in particular the *Data Protection Principles*. The School maintains the trust and confidence of the whole school community and others with whom the School comes into contact. The welfare of pupils comes first but sometimes there is a tension to be held with other legal requirements, such as duties owed to visitors, parents, staff and public authorities.

### **Rights of Access**

Individuals have a right of access to information held by the School. Any individual wishing to access their personal data should put their request in writing to the Group Bursar.

### **Timescale**

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and, as far as is possible, within 40 days for access to records and 21 days to provide a reply to an access to information request. The School will not normally accept more than 1 request per applicant per academic year.

### **Cost**

There will normally be an administration fee of £25. The amount may increase depending on the number of pages of information provided. The School will require this fee to be paid in advance.

### **Records**

Parents have the right to free access to developmental records about their child (e.g. EYFS profile). However, a written request must be made for children's personal academic files and account will be taken of data protection rules when disclosing records that refer to third parties. Parents are notified in the Parents' Handbook that they may have access to their child's records.

### **Exemptions**

Certain data is exempt from the right of access under the Data Protection Act. The School is not required to disclose any pupil examination scripts. The School may withhold any data *exempt* from disclosure e.g.:

- Manual data to which the Act does not apply
- Where disclosure of a particular record would be likely to cause serious harm or distress to the health of the person requesting disclosure or to someone else
- Where information is subject to legal professional privilege
- Where disclosure of a particular record will disclose information relating to another person.

### **Pupils**

The School will only grant the pupil direct access to their personal data if in the School's reasonable belief the pupil understands the nature of the request. Pupils agree that the School may disclose their personal data to their parents or guardians.

### ***Pupils and Parents***

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interest of the pupil or other pupils.

### ***Authorised referees***

References given by the School, whether for staff or pupils, will be written by the Head or School Principal in consultation with other members of staff where appropriate.

***Rights***

The rights under the Data Protection Act are the individual's to whom the data relates. The School will, however, in most cases rely on parental consent to process data relating to pupils unless, given the nature of the processing in question and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted.

***Computers***

Data held on computer is protected by user/share level security, personal key identifier passwords including screen-savers, NTFS/FAT virus protection, back up systems, dedicated server, form and internal procedures.

***Manual data***

Manual data is protected by locking relevant doors and filing cabinets, shredding, internal procedures etc.

***Sharing information***

Where in the professional opinion of the Group Bursar or Head it is deemed necessary we may share information with certain third parties.

***Verifying identity***

We may, in order to verify your identity and so that we can assess your application for the award of a bursary or for credit in contemplation of an agreement for the deferment of fees, search the files of any licensed credit reference agency who will keep a record of that search and details about your application. This record will be seen by other organisations which make searches about you. Failure to supply information may result in a refusal of an award or credit.

***Overseas***

A request for a reference to be provided to an employer or institution overseas will be taken as the applicant's confirmation that the receiving country ensures an adequate level of protection for the rights and freedoms of *data subjects*.

***Confidentiality***

The School will treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil or member of staff. Although the School acknowledges that an individual may have the right to access a reference, a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is appropriate. References will not normally be disclosed to the person who is the subject of the reference.