



## **DATA PROTECTION POLICY**

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## **PART A**

### **1. Application**

- 1.1 This policy applies to all personal data held at The Basildon Academies. It encompasses paper records, data held on computer and associated equipment of whatever type and at whatever location, used by or on behalf of The Academies.
- 1.2 The obligations outlined in this policy apply to all those who have access to personal data, whether they are employees, governors, employees of associated organisations or temporary staff. It includes those who work from home, who must follow the same procedures as they would in an office environment.
- 1.3 Any individual who knowingly or recklessly processes or divulges data for purposes other than those for which it is intended or makes an unauthorised disclosure is liable to prosecution. All individuals permitted to access personal data must agree to comply with this policy.

### **2. Revision**

- 2.1 This document will be reviewed by the Senior Leadership Team annually and any amendments presented to the Governing Body for approval.

### **3. Distribution**

- 3.1 This policy can be found on the Academies IT Network at: Departments Share (P:) \ Policies.

### **4. Duties and responsibilities**

- 4.1 It is the responsibility of the Governing Body to establish, maintain and monitor relevant policies, codes and procedures. Staff of the Academy should familiarise themselves with the contents of this code and should act in accordance with the principles set out in it. Specific reference will be made to this policy in the induction process for all staff of the Academies.
- 4.2 Line Managers are responsible for the discipline of the employees whom they manage and for ensuring that employees are aware of the Academy policies.
- 4.3 All staff are required to comply with this policy, and to participate in the procedure where this is required of them. Not doing so could result in disciplinary action.

### **5. Interpretation**

- 5.1 Any question as to the interpretation or application of this procedure shall be determined by the Governing Body Staffing Committee.

### **6. Complaints**

- 6.1 Any complaints from Academy staff relating to this Policy should follow the Complaints Policy and Procedure.

## **PART B**

### **POLICY STATEMENT**

#### **1. The Basildon Academies will comply with:**

- 1.1 The terms of General Data Protection Regulation (GDPR) and any subsequent relevant legislation, to ensure personal data is treated in a manner that is fair and lawful.
- 1.2 The eight enforceable principles of good practice contained in the General Data Protection Regulation (GDPR). These state that personal data must be: -
- Fairly and lawfully processed;
  - Obtained only for one or more specified and lawful purposes;
  - Adequate, relevant & not excessive in relation to the purpose for which it is processed;
  - Accurate and kept up to date;
  - Not kept for longer than is necessary;
  - Processed in accordance with the data subject's rights;
  - Secure;
  - Not transferred to a country outside the EEC unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
- 1.3 The guidance displayed on the Information Commissioner's website (<http://ico.org.uk>) and published in "the Guide to Data Protection" published by the Information Commissioner's office and available at the following web address: <https://ico.org.uk/for-organisations/guide-to-data-protection/>
- 1.4 This policy should be read in conjunction with The Basildon Academies IT Acceptable Use Policy and Freedom of Information Policy.

#### **2. Data Gathering**

- 2.1 Only relevant personal data may be collected and the person from whom it is collected will be informed why the data is being collected, of the data's intended use and any possible disclosures of the information that may be made.

#### **3. Processing**

- 3.1 All processing of personal data will comply with the Data Protection Principles as defined in General Data Protection Regulation (GDPR). In the situation where data is processed by a third party, the third party will be required to act in a manner that ensures compliance with General Data Protection Regulation (GDPR).
- 3.2 Data will only be processed for the purpose for which it was collected and will not be used for incompatible purposes without the consent of the data subject.

#### **4. Data Storage**

- 4.1 The Basildon Academies will hold the minimum amount of personal data necessary to enable it to perform its functions. The data will be erased once the need to hold it has passed. Details relating to relevant deadlines are summarised in Appendix 1.
- 4.2 The Basildon Academies will store personal data in a secure and safe manner.
- 4.3 Electronic data will be protected by standard password and firewall systems operated by The Basildon Academies.
- 4.4 Computer workstations in administrative areas will be positioned so that they are not visible to casual observers.
- 4.5 Manual data will be stored where it is not accessible to anyone who does not have a legitimate reason to view or process that data.
- 4.6 Particular attention will be paid to the need for security of sensitive personal data.

#### **5. Data Checking**

- 5.1 The Basildon Academies will issue regular reminders to staff and parents/carers to ensure that personal data held is up-to-date and accurate.
- 5.2 Any errors discovered will be rectified and, if the incorrect information has been disclosed to a third party, any recipients informed of the corrected data.

#### **6. Data Disclosures**

- 6.1 Personal data will only be disclosed to organisations or individuals for whom consent has been given to receive the data, or organisations that have a legal right to receive the data without consent being given.
- 6.2 When requests to disclose personal data are received by telephone it is the responsibility of the member of staff taking the call to ensure the caller is entitled to receive the data and that they are who they say they are. It is advisable to call them back, preferably via a switchboard, to ensure the possibility of fraud is minimised.
- 6.3 If a personal request is made for personal data to be disclosed it is again the responsibility of the member of staff to ensure the caller is entitled to receive the data and that they are who they say they are. If the person is not known personally, proof of identity should be requested.
- 6.4 Requests from parents/carers or students for printed lists of the names of students in particular groups, which are frequently sought at Christmas, should be politely refused as permission would be needed from all the data subjects contained in the list. (Note: A suggestion that the child makes a list of names when all the students are present in class will resolve the problem.)

- 6.5 Personal data will not be used in newsletters, websites or other media without the consent of the data subject.
- 6.6 Routine consent issues will be incorporated into The Academy's student data collection sheets, to avoid the need for frequent, similar requests for consent being made by The Basildon Academies.
- 6.7 Personal data will only be disclosed to Police Officers if they are able to supply a relevant document which notifies of a specific, legitimate need to have access to specific personal data.
- 6.8 A record will be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.

## **7. Subject Access Requests**

- 7.1 Where the Academy receives a written request from a data subject to see any or all personal data that The Academies holds about them this will be treated as a request within the recommended 40 day deadline. A charge may however apply, these are outlined in the Academy's Charges and Remission Policy.
- 7.2 Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and The Academies will comply with its duty to respond within the 40 day time limit.

## **8. Confidentiality and Security**

- 8.1 Personal data is confidential and confidentiality must be preserved in compliance with the Data Protection Principles as defined in General Data Protection Regulation (GDPR) list.
- 8.2 Paper records will be managed so that access is restricted to those who need to use the information and stored in secure locations to prevent unauthorised access.
- 8.3 Computer systems will be designed and computer files created with adequate security levels to preserve confidentiality. Those who use the school's computer equipment will have access only to the data that is both necessary for the work they are doing and held for carrying out that work.

## **9. Ownership of Data**

- 9.1 The Basildon Academies are responsible for the personal data that it holds. This responsibility extends to any data that is processed by a third party.

## **10. Requests to view personnel files for employees**

- 10.1 General Data Protection Regulation (GDPR) does **not** confer a right for employees to examine their personnel files / records, however where operationally possible the Academies will make this facility available to current employees.
- 10.2 Employees who wish to view their file should make a request in writing to the Academy Support Manager, who will then arrange for the file to be viewed within 40 calendar days of the request.
- 10.3 Employees will be able to view their file only with a member of the Administration Team present.
- 10.4 Employees will not be permitted to remove or copy documents from their files.

## **11. Requests for copies of personnel files for employees / ex-employees**

- 11.1 Employees may request a copy of their personnel file by making a request in writing to the Academy Support Manager.
- 11.2 The Academy Support Manager will provide the employee with a copy of their file within 40 calendar days of either:
  - Payment of a £10 administration fee, plus any information necessary to verify the employee's identity and to locate the information being sought.
  - Confirmation of the waiver of fee (in exceptional circumstances) plus any information necessary to verify the employee's identity and to locate the information being sought.
- 11.3 The Academy Support Manager may vary these arrangements to support an employee in exceptional circumstances, for example where a copy of only one document is required this may be provided without charge.
- 11.4 General Data Protection Regulation (GDPR) does not require the Academy to comply with repeat requests from employees/ex-employees for identical or similar information, if a reasonable amount of time has not elapsed since the previous request was met. While 'reasonable' has not been specifically defined in the Act, the Academy will not, given the costs and time involved, supply a further set of copies after a request has been met - unless there are exceptional circumstances. However, the Academy will, if requested, supply copies of data added to the record since an earlier access request was made.
- 11.5 Certain types of data are exempt from disclosure under General Data Protection Regulation (GDPR). Generally this is where it relates to data pertaining to third parties, that is other identifiable individuals. For example, in instances where a document on an employee's personnel file includes data relating to another individual(s). Employees may not have a right of access to that data, or any data that would serve to identify the individual(s) concerned.

## **12. Training**

- 12.1 All staff working with personal data must understand the importance of adhering to the General Data Protection Regulation (GDPR) Principles. Training will be provided annually and as part of the Induction process for new starters.

## APPENDIX 1 – Data Retention Guidelines

The following table illustrates, for guidance purposes, the length of time records need to be kept for legal reasons. This covers the main areas but if you are unsure about a particular record please seek further advice by contacting the Director of Finance and Resources.

Type of Data	Retention Period	Reason
Staff personnel files including training records and notes of disciplinary and grievance hearings	6 years from the end of employment	References and potential litigation
Staff application forms/interview notes	At least 6 months from the date of the application	Time limits on litigation
DBS certificate	6 months after the date of the disclosure	Guidelines
Unfounded child protection allegation against staff member	10 years from allegation date	Education Act 2002 guidance
Income Tax and NI returns, including correspondence with tax office	At least 3 years after the end of the financial year to which the records relate	Income Tax [Employment] Regulations 1993
Statutory Sick Pay records and calculations	As above	Statutory Sick Pay [General] Regulations 1982
Wages and salary records	6 years	Taxes Management Act 1970
Accident books; records and reports of injuries and diseases	At least 3 years after the date of the last entry	Social Security (Claims and Payments) Regulations 1979; RIDDOR 1995
Approved Education Visit forms	Date of Visit + 10 years	Health and Safety of Pupils on Educational Visits (1998)
Pupil Statement information	DOB + 30 years	SEN and Disability Act 2001
Student files, Child protection files	DOB + 25 years	Education Act 2002 s175
Meeting notes and other records created by Exec. Management; visitor log	6 Years	Academy Operating rule