



Notting Hill & Ealing High School GDST

Data Protection Policy Whole School including EYFS

General Statement of the School's Duties

Notting Hill & Ealing High School (the School) is required to process relevant personal data regarding staff and pupils 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 staff and/or pupils includes current, past or prospective staff and/or pupils.

Data Protection Controller

The School has appointed the Director of Finance and Operations as the 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 and relevant subsequent legislation and regulations.

The 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:

- Fairly and lawfully processed;
- Processed for a lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than necessary;
- Processed in accordance with the data subject's rights;
- Secure;
- Not transferred to other countries without adequate protection.

Personal Data

Personal data covers both facts and opinions about an individual. It includes information necessary for employment such as the employee's name and address and details for payment of salary. 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): names and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

Processing of Personal Data

An employee's consent may be required for the processing of personal data unless processing is necessary for the performance of the contract of employment. Any information, which 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 employee. Consent may be required for the processing of personal data of pupils unless the processing is necessary for the School to undertake its obligations to pupils and their parents or guardians. Any information, which 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 an employee or a pupil, their parents or guardians. Sensitive personal data includes medical information and data relating to religion, race, trade union membership and criminal records and proceedings. Where the School processes sensitive personal data, the explicit consent of the appropriate individual will generally be required for this or for disclosure to a third party in writing.

Rights of Access to Information

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 DPC. The School will endeavour to respond to any such written requests as soon as is reasonable practicable and in any event, within 40 days of access to records and 21 days to provide a reply to an access to information request.

Please note that the School reserves the right to charge an administration fee of up to £10.00 for providing this information.

Certain data is exempt from the right of access under the Data Protection Act this may include information that identifies other individuals, information that the School reasonably believes is likely to cause damage or distress, or information, which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts.

The School will also 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. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However, such 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 reasonable in all the circumstances.

Whose 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.

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 guardian.

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 interests of the pupil or other pupils.

Exemptions

Certain data is exempted from the provisions of the Data Protection Act which includes the following: -

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC. Review date due: Dec 2016

Disclosure of Information

The School may receive requests from third parties to disclose personal data it holds about staff, pupils, their parents or guardians. The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However, the School does intend to disclose such data as is necessary to third parties for the following purposes: -

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the School.
- To disclose details of a pupil's medical condition or special educational needs where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

Use of Personal Information by the School

The School will, from time to time, make use of personal data relating to pupils, their parents or guardians in the following ways. Should you wish to limit or object to any such use please notify the DPC in writing.

- To make use of photographic images of pupils in School publications and on the School website or on the school Twitter feed.
- However, the School will not publish photographs of individual pupils with their names on the School website without the express agreement of the appropriate individual.

- For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School, including transferring information to any association society or club set up for the purpose of establishing or maintaining contact with pupils or for fundraising, marketing or promotional purposes.

Accuracy

The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPC of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

Security

The School will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

Enforcement

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the School complaints procedure and should also notify the DPC.

Policy Updated: October 2016

Next review: October 2017