

Urchfont C. E. Primary School

The Data Protection Act 2018 Policy, incorporating the General Data Protection Regulation (GDPR)

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Data Protection Officer (DPO)	Mr Jeremy Shatford mailto:dpo@jeremyshatford.co.uk

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1 Introduction

- 1.1 Urchfont Primary School collects and uses personal information about staff, pupils, parents and other individuals who have dealings with the school. This information is gathered 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 responsibilities.
- 1.2 Academies 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](#).
- 1.3 Our data protection officer is Jeremy Shatford who may be contacted in writing to Urchfont Primary School address clearly labelled “Data Protection”, by email to dpo@jeremysatford.co.uk or telephone 07881297319.

2 Purpose

- 2.1 This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 2018 (DPA) and incorporates the General Data Protection Regulation (GDPR), Freedom of Information Act 2000 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.
- 2.2 All staff involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities and adhering to the guidelines set out in this policy.

3 What is Personal Data?

- 3.1 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. This person is referred to as a “Data Subject”.

4 Data Protection Principles

- 4.1 The Data Protection Act 2018 establishes eight enforceable principles that must be adhered to always:
- Personal data shall be processed fairly and lawfully;
 - Personal data shall be obtained only for one or more specified and lawful purpose;
 - Personal data shall be adequate, relevant and not excessive;
 - Personal data shall be accurate and where necessary, kept up to date;
 - Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
 - Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 2018;
 - Personal data shall be kept secure i.e. protected by an appropriate degree of security;

- Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

4.2 There is stronger legal protection for more sensitive information, such as:

- ethnic background
- political opinions
- religious beliefs
- health
- sexual orientations
- criminal records

4.3 Urchfont Primary School and all staff or others who process or use personal information must ensure that they always follow these principles. This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the School. Any failures to follow the policy can therefore result in disciplinary proceedings.

5 Responsibilities

5.1 The Governing Body has overall responsibility for compliance with the DPA.

5.2 The Headteacher is responsible for ensuring compliance with the DPA and this policy.

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

5.4 All staff must as a minimum check that any personal data that they provide to the School in connection with their employment is accurate and up to date. They must also inform the School of any changes their personal data that they have provided, e.g. change of address, either at the time of appointment or subsequently.

5.5 Staff should report any unauthorised disclosure, loss of personal data, or other breach of this policy immediately, in order to minimize potential damage to data subjects, or to the reputation of the School. Failure to report a data breach will be treated as disciplinary matter and may be considered gross misconduct in some cases.

5.6 The School will take appropriate organisation and technical measures to ensure that any third parties who process personal data on behalf of the School, do so in a manner that permits the School to uphold its statutory responsibilities in relation to data protection.

5.7 All staff will receive training on processing personal data, through our induction and as part of our staff development programme.

6 Fair Processing/ Sharing Personal Data

- 6.1 Urchfont Primary School has a duty to issue a Privacy Notice to all pupils/parents and staff, this summarises the personal data we hold, why it is held and the other parties to whom it may be passed on to.
- 6.2 Parents/Carers will be issued with a copy of our Privacy Notice ([appendix A](#)) for pupils at the beginning of each academic year. A copy of this notice will also be available on the relevant school website.
- 6.3 Staff will be issued with a copy of our Privacy Notice for the school workforce on induction and a copy of this notice will also be available in the Staff Handbook.
- 6.4 If we need to share personal data with third parties, will not do so unless:
- We have received consent to do so, or
 - We are required to do so by law or
 - We have a lawful reason for doing so as outlined in our privacy statement
- 6.5 It is a criminal offence to knowingly or recklessly obtain, or share (disclose) information about an individual without legitimate cause. Relevant, confidential data should only be given to:
- other members of staff on a need to know basis;
 - relevant Parents/Guardians;
 - other authorities if it is necessary in the public interest, e.g. prevention of crime;
 - other bodies, such as the Local Authority and schools to which a pupil may move, where there are legitimate requirements.
- 6.6 The School will not disclose any information from a pupil's record which would be likely to cause serious harm to their physical or mental health or that of anyone else.
- 6.7 Where there is any doubt, or statutory requirements conflict we will seek additional advice before disclosing personal information.
- 6.8 When giving information to an individual, particularly by telephone, it is most important that the individual's identity is verified. So, from time to time we may need to ask parents/carers additional questions, to which only he/she is likely to know the answers. Information will not be provided to other parties, even if related. For example: in the case of divorced parents it is important that information regarding one party is not given to the other party to which he/she is not entitled.
- 6.9 Where we are required to share personal data with other agencies, this will be done through secure transfer mechanisms.
- 6.10 Any person whose details are held by the School is entitled, under the provisions of the DPA, to ask for a copy of all information held about them (or child for which they are responsible). Please see [Appendix b](#)) for details on how our School deals with Subject Access Requests.

7 Contractors and Tendered services

- 7.1 The School may point parents to our external contractors where our services are enhanced by doing so. For example: - ParentPay.com that enables parents to pay online for various services and School Meals providers (currently Edwards & Ward), for the provision of school meals.
- 7.2 It is important to understand the relationship between the School and such suppliers.

In the case of the school meals provider parents do not have direct contact to enable them to order and pay for their child's meals. The School is therefore the controller and the school meals provider is the processor. The School remains responsible for the data, save for, where law requires the processor to retain data.

The use of ParentPay.com is a direct agreement between the parent and company so the company is the controller and responsible for all data. The School will where possible provide an alternative for parents who do not wish to enter such agreements. For example, parents can pay via cash or cheque direct to the school or cheque payments can be passed on to third party providers.

8 School Life

8.1 There are many aspects to school life that we are required to do to teach children to a high standard. We do not need to ask for parental consent for many of these but please refer to [appendix c](#) that gives information concerning some of these activities.

9 Information Security

9.1 The School is committed to take the necessary precautions to protect the security of personal data it is responsible for.

9.2 Access to the School sites is restricted and the personal data of pupils is not visible via the public areas of school reception.

9.3 The School has taken appropriate security measures to protect personal data stored within school buildings from theft, damage or other unauthorised disclosure.

9.4 Inside the School buildings appropriate measures have been taken to protect the security of pupil's and staff information that is stored in onsite information systems, paper records, cloud-based/online systems and in visual/audio media.

9.5 All staff must ensure that:

- personal data be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- Be saved to the school server, school laptop/desktop or onto One Drive via an School account. Any removable storage is not permitted (this includes USB memory keys, portable hard-drives, SD cards, unencrypted laptops).

- 9.6 When staff are required to take personal information away from the School site, provisions have been made to support the secure transfer of information and guidance has been issued to staff who may be required to access personal data away from school.
- 9.7 School IT systems have appropriate security measures in place, with permission and access to personal information controlled based on the role and responsibilities of staff.
- 9.8 All mobile devices (including memory sticks, portable hard-drives and other storage systems) used to manage personal data have been encrypted to an appropriate standard in line with ICO guidance.
- 9.9 Paper records containing sensitive or confidential data are locked in secure storage spaces, with access controlled by the Headteacher and nominated appropriate staff.
- 9.10 All staff are committed to ensure that Personal Data held by school is maintained so that it accurate and of a quality that supports the purpose(s) it has been collected for. Parents/carers are encouraged to support the School in the task of managing personal data for pupils by advising the School office of any changes to personal information in a timely manner.

10 When should personal data be rectified?

- 10.1 (Name of School) is committed to ensuring all data we hold is accurate and fit for purpose. We also acknowledge that Individuals are entitled to have personal data rectified if it is inaccurate or incomplete.

11 The right to erasure

- 11.1 The right to erasure does not provide an absolute 'right to be forgotten'. Individuals have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR).
- The personal data must be erased in order to comply with a legal obligation.
- The personal data is processed in relation to the offer of information society services to a child.

12 Data Protection impact assessments

- 12.1 The School will adopt a risk-based approach before undertaking higher-risk data processing activities. The headteacher (Data controller) will be required to conduct privacy impact assessments where privacy breach risks are high to analyse and minimise the risks to their data subjects.

13 CCTV – See full Policy

- 13.1 CCTV may be used to support the prevention and detection of crime. Where CCTV is used, this is stated on the School's Privacy Notice. We also notify staff, parents and visitors to school that CCTV is use via signage displayed in key points around the site.
- 13.2 Only designated staff at school have access to view CCTV footage. CCTV recordings are kept in accordance with the data retention schedule, after which the recordings are deleted/overwritten.

14 Photographs and Digital Images (including video)

14.1 We use photographs and digital images for a variety of purposes, these include, but are not limited to:

- Capturing development and progress in learning
- School prospectuses and other publications focussed on promoting the School
- Assemblies and celebration events
- Sports day
- School performances
- Trips and residential outings

14.2 Where images of children or staff are used in public areas or made available online via publication on the School website. The School will always seek consent before images are published.

15 Records of achievement

15.1 We encourage children to share their achievements, this may be done during sharing assembly where other parents may be present and through wall displays within the classrooms.

15.2 The information shared in this way may include the child's name and mark given for a piece of work. In addition, leader boards may be displayed within classrooms that show achievements of individuals in comparison to others.

15.3 These records are generally not deemed personal information as the information is widely shared within the classroom environment.

16 Publication of School Information

16.1 Certain items of information relating to the School will be made available on the public website, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to contact the school. Where it is not a legal requirement, personal data will not be published without consent from the individual concerned.

16.2 The GDPR states that, if consent is your basis for processing the child's personal data, a child under the age of 16 can't give that consent themselves and instead consent is required from a person holding 'parental responsibility'. UK law will apply, and the School will consider the wishes of the child where it can lawfully do so, and where the child demonstrates competency to express those views.

17 Retention and Disposal

17.1 The School operates a Retention Schedule to determine the length of time that documents containing personal data should be kept for. This schedule is in line with the recommended periods of retention published by the [Records Management Society](#).

17.2 The School will also ensure that when obsolete, information is destroyed in a secure and appropriate manner. Records of destruction will be maintained where the disposal of personal data has been commissioned to third parties.

17.3 All paper documents that contain personal data will be shredded once they are no longer required, accurate and up to date or when the retention period has been met.

17.4 Electronic devices containing personal data will be formatted and destroyed by an approved contractor with a certificate of destruction being presented for each disposal.

18 Complaints

18.1 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).

19 Contacts

19.1 If you have any enquires in relation to this policy, please contact the Headteacher who will pass subject access requests to the DPO.

19.2 Further advice and information is available from the Information Commissioner's Office, <https://ico.org.uk/> or telephone 0303 123 1113

20 Document History

Date	Description
July 2019	Complete revision to update in light of legislative changes.

21 Appendix A - Privacy Notice - Data Protection Act 2018

Privacy Notice (How we use pupil information)

1. How we use pupil information

- 1.1. Urchfont Primary School is a Data Controller for the purposes of the **Data Protection Act 1998**. and the Local Authority is the Data Processor. The LA may advise and support the School in the quality assurance of children's records but any data amendments to the records will only be made by the School on the school management information system at source.
- 1.2. We process personal data relating to our pupils to deliver education in line with the requirements of the **Education Act 1996** and may receive information about them from their previous school or academy, the local authority, the Department for Education (DfE) and the Learning records Service.
- 1.3. We collect and hold this personal data to:
 - Support pupils teaching and learning
 - Monitor and report on pupil attainment progress
 - Provide appropriate pastoral care
 - To keep children safe (such as food allergies, emergency contact details)
 - Assess the quality of our services
 - To comply with the law and statutory requirements with regard to data sharing
 - To meet the statutory duties placed upon us for DfE data collections
 - Promote the school (via newsletters and other forms of media with appropriate consent)
- 1.4. Under the General Data Protection Regulation (EU) 2016/679 (from May 25th 2018()), the lawful bases we rely on for processing pupil information are:
 - For the purposes of complying with the law in accordance with the legal basis of Article 6(1)(c)
 - For the purposes of performing a task in the public interest and/or for the official functions of the school and the task or function has a clear basis in law in accordance with the legal basis of Article 6(1)(e)
- 1.5. In addition, concerning any special category data held:
 - Processing is necessary for reasons of substantial public interest with the legal basis of Article 9(2)(g)
 - Processing is necessary for archiving purposes in the public interest scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject in accordance with the legal basis of Article 9(2)(j)
- 1.6. Other relevant legislation and/or law includes:

- The Education (Information about Individual Pupils) (England) Regulations 2013 Regulation 3: "Provision of information by schools maintained by local authorities to their local authorities or to the Secretary of State:
 - (1) For the purposes of section 537A(2)(b) of the 1996 Act, the local authority by which a school is maintained is prescribed as a relevant person.
 - (2) Within fourteen days of receiving a request from the local authority by which a school is maintained, or from the Secretary of State, the governing body of that school shall provide to the authority or, where so requested, to the Secretary of State, such of the information referred to in Schedule 1, and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested."
- The Education Act 1996 – Section 537A(1) – Provision of information about individual pupils:

"Regulations may make provision requiring—

 - (a) the governing body of every school which is—*
 - (i) maintained by a local education authority, or*
 - (ii) a special school which is not maintained by such an authority, and*
 - (b) the proprietor of every independent school,*

to provide to the relevant person such individual pupil information as may be prescribed. "
- Children's Act 1989 – Section 83(1) – Research and returns of Information:

"The Secretary of State may conduct, or assist other persons in conducting, research into any matter connected with—

 - (a) his functions, or the functions of local authorities, under the enactments mentioned in subsection (9);*
 - [(aa) the functions of Local Safeguarding Children Boards;]*
 - (b) the adoption of children"*

2. Categories of pupil information

- 2.1. We collect, hold and share¹ personal information, characteristics and attendance information primarily to allow us to support and safeguard our pupils.

¹ With consent or when required by legislation and/or law

2.2. We collect, hold and share¹ personal information under the **Data Protection Act 1998, Data Protection Bill 2017, General Data Protection Regulations May 2018** and **The Education Act 1996**

2.3. The categories of pupil information that we collect, hold and might share¹ include:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, nationality, country of birth, pupil premium and free school meal eligibility)
- parental arrangements (adoption / fostering / special guardianship orders / child arrangements order / service child status)
- safeguarding information (such as court orders, LAC status and professional involvement)
- Special Educational Needs and Disabilities (including the needs and ranking)
- medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)²
- assessment and attainment (formative and summative, statutory and non-statutory)
- Pastoral care including behavioural information (such as exclusions and any relevant alternative provision put in place)
- Destination schools
- Photographs and Video clips
- Trips and Activities
- Lunch registers

2.4. This list is not exhaustive, to access the current list of categories of information we process please see <https://ico.org.uk/ESDWebPages/Entry/Z7325320>

3. How we collect pupil information

3.1. Generally, we receive personal data from the individual directly (including, in the case of pupils, from the parents). This may be via a form (such as admission forms on entry to the school) or simply in the ordinary course of interaction or communication (such as email or written assessments).

3.2. However, in some cases personal data will be supplied by third parties (for example a Common

² Details of attendance information is not collected as part of the Department for Education's census for pupils who are not of compulsory school age, but 'head count' is used for the Early Years Foundation Years Census. We will use attendance as a register for all pupils for safeguarding purposes (including to establish who is on school premises) and to identify total pupil numbers.

Transfer File (CTF) or secure file transfer from previous school settings).

- 3.3. Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

4. How we store pupil data

- 4.1. We retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. We follow the guidelines issued by the Records management Society of Great Britain.
- 4.2. If you have any specific queries about how our retention policy is applied please contact the Finance and Admin officer.

5. Who we share pupil information with

- 5.1. We routinely share pupil information with:
 - schools that the pupils attend after leaving us
 - our local authority
 - the Department for Education (DfE)
 - The NHS
 - The School Nurse
 - Agencies involved in supporting our children such as Speech and Language Therapists, Educational Psychologists, SENS
 - Social Services, MASH and other agencies involved in safeguarding
 - Service providers (such as ParentPay, 2Simple, peripatetic teachers and coaches working within the school)
 - Appropriate regulatory bodies such as Ofsted

6. Why we share pupil information

- 6.1. We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.
- 6.2. We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.
- 6.3. For the most part, personal data collected by us will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of medical records and safeguarding files.
- 6.4. However, a certain amount of SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.
- 6.5. Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record and report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as LADO or police. For further information about this, please refer to

the school's Safeguarding Policy.

- 6.6. As per **The Education (Pupil Information) (England) Regulations 2005**, we are required to pass pupil information on to schools / academies that the pupil goes on to attend after leaving us via the Department for Education's 'School to School' (S2S) secure data transfer website. This also acts as a temporary information depository where a pupil has left us and the destination is not known to us.
- 6.7. Importantly, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.
- 6.8. Finally, your data will not be transferred outside of the European Economic Area.

7. CCTV

- 7.1. Urchfont Primary School uses Closed Circuit Television cameras for the following purposes:
 - protecting the school buildings and school assets, both during and after school hours
 - promoting the health and safety of staff, pupils and visitors;
 - preventing bullying;
 - reducing the incidence of crime and anti-social behaviour (including theft, vandalism and fraud);
 - supporting the Police in a bid to deter and detect crime;
 - assisting in identifying, apprehending and prosecuting offenders; and
 - ensuring that the school rules are respected so that the school can be properly managed.
- 7.2. For further information regarding the use, storage and retention of information obtained through use of the school's CCTV system please refer to the school's CCTV policy.

8. Department for Education

- 8.1. The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:
 - Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.
- 8.2. Data Collection requirements:
 - 8.2.1. To find out more about the data collection requirements placed on us by the Department of Education (for example: school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools> .
- 8.3. All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current [government security policy framework](#).
- 8.4. For more information, please see 'How Government uses your data' section.

9. The National Pupil Database

- 9.1. The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held

in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

- 9.2. We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.
- 9.3. To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.
- 9.4. To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.
- 9.5. The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:
 - conducting research or analysis
 - producing statistics
 - providing information, advice or guidance
- 9.6. The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:
 - who is requesting the data
 - the purpose for which it is required
 - the level and sensitivity of data requested: and
 - the arrangements in place to store and handle the data
- 9.7. To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.
- 9.8. For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>
- 9.9. For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>
- 9.10. To contact DfE: <https://www.gov.uk/contact-dfe>

10. Requesting access to your personal data

- 10.1. Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the school office on 01380 840793.
- 10.2. You also have the right to:
 - Be informed about how we use your personal data

- Request access to the personal data that we hold
- Request that your personal data is erased where there is no compelling reason for its continued processing
- Request that the processing of your data is restricted
- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed;
- where we rely on consent as a means to process personal data such as certain types of uses of images withdraw this consent at any time; and
- a right to seek redress, either through the ICO, or through the courts

10.3. Any requests or objections should be made to the school in writing.

10.4. If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

11. Contact

If you would like to discuss anything in this privacy notice, please contact: Carol Talbot 01380 840793

22 Appendix B – responding to subject access requests

Procedures for responding to subject access requests made under the Data Protection Act 1998

All subject Access requests will be passed to the DPO

22.1 Rights of access to information

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

1. Under the Data Protection Act 1998 section 7, 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) (England) Regulations 2005 (Pupil Information Regulations).

22.3 These procedures relate to subject access requests made under the Data Protection Act 1998.

22.4 Processing a subject access request

1. Requests must be made in writing; and be addressed to the Headteacher. 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 child. Evidence of identity can 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).

22.5 Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand, the nature of the request and legal entitlement to request it.

23 Requests for information about children

- 23.1 Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong, for example, to a parent or guardian. So, it is the **child who has a right of access** to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.
- 23.2 Before responding to a subject access request for information held about a child, The School will consider whether the child is mature enough to understand their rights. If we are confident that the child can understand their rights, then we will respond to the child rather than a parent. What matters is that the child can understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, we will consider, among other things:
- the child's level of maturity and their ability to make decisions like this;
 - the nature of the personal data;
 - any court orders relating to parental access or responsibility that may apply;
 - any duty of confidence owed to the child or young person;
 - any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;
 - any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
 - any views the child or young person has on whether their parents should have access to information about them.
- 23.3 Where the child does not have a legal standing to request information, the Headteacher should discuss the request with the child and take their views into account when deciding. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child.
- 23.4 The School may make a charge for the provision of information, dependent upon the following:
- Urchfont Primary School can charge a reasonable fee if an individual requests further copies of their data following a request.
 - The fee will be based on the administrative costs of providing further copies.
- 23.5 An individual who makes a written request is entitled to be:
- told whether any personal data is being processed;
 - given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
 - given a copy of the information comprising the data; and given details of the source of the data (where this is available).

- 23.6 Subject access requests, once officially received, will be responded to without delay and at the latest within one month of receipt (calendar days, irrespective of school holiday periods). However, any disclosure of personal data will not take place until after receipt of fees if applicable, or clarification of information sought.
- 23.7 The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.
- 23.8 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 be obtained where this is required.
- 23.9 Sometimes the School can disclose information relating to a third party. We will decide whether it is appropriate to do so in each case. This decision will involve balancing the data subject's right of access against the other individual's rights in respect of their own personal data.
- 23.10 If the other person consents to us disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, we will decide whether to disclose the information anyway.
- 23.11 Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil 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.
- 23.12 If there are concerns over the disclosure of information, then additional advice will be sought.
- 23.13 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.
- 23.14 Information disclosed will be presented in a clear format, any codes or technical terms will be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it will be retyped.
- 23.15 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 will be considered when considering the method of delivery. If postal systems must be used, then registered/recorded mail will be used.

24 Appendix C: Photographic Permissions

Generally, photographs for school and family use, and those that appear in the press, are a source of pleasure and pride, which we believe can enhance self-esteem for children and young people and their families, and so are to be welcomed. However, we live in an age in which digital technology has vastly increased the use, and potential misuse, of photography. In line with many schools and following advice from organisations such as local authorities and police, we have taken the view that, providing reasonable security steps are in place, the practice of photography for school events should continue.

The Department of Education's rule of thumb for schools is that "if the pupil is named, avoid using the photograph. If the photograph is used, avoid naming the pupil". Therefore, in the case of photographs being used for circulation beyond the school, where the school uses images of individual pupils the name of the pupil will not be disclosed. In addition, where an individual pupil is named in a written publication, a photograph of the pupil will not be used to accompany the text. If a pupil has won an award and the parent would like the name of their child to be published alongside their image, separate consent will need to be provided before the image can be used.

We are mindful of the fact that for some families, there may be reasons why a child's identification is a matter of particular anxiety, and if you have special circumstances either now, or at any time in the future which would affect or change your consent on this issue, please let the school office know straight away.

If your child is old enough to express their own view, you may want to consult with them about the categories of consent, and we invite you to use this letter to explore their feelings about being photographed at school.

Please contact the school office if you require a Photographic consent form or more information.