



# St Thomas More Language College

*Serving God, Striving for Excellence*



## DATA Protection Policy 2018

St Thomas More Language College collects and uses personal information about staff, students, parents or carers and other individuals who come into contact with the school. This information is gathered in order 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 obligations.

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 Fair Processing Notice to all students/parents or carers, this summarises the information held on students, why it is held and the other parties to whom it may be passed on.

### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, 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.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

### **What is Personal Information?**

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.

### **Data Protection Principles**

In 1998 the Data Protection Act (DPA) was introduced by UK Parliament as the main piece of legislation to govern the processing of data on identifiable living people. However, the technology landscape has changed so much since the act was enforced, that this law is now significantly out of date and is not able to protect the individual as originally intended. A prime example would be social media sites capturing personal data, profiling it, and selling it to advertisers, without the individual's explicit consent.

However, the General Data Protection Regulation (GDPR) under EU law, which was adopted on 27th April 2016 and will apply from 25th May 2018, will supersede our Act and the Data Protection Directive from 1995, and be significantly more stringent. The main focus of GDPR will be to protect the personal data of all individuals residing within the EU, irrespective of where the company holding the data is based, and includes rules around holding, processing, profiling, maintaining and deleting that data to name a few.

***Serving God, Striving for excellence***

The Data Protection Act of 1998 establishes eight enforceable principles that must be adhered to at all times:

- **First principle** - Personal data shall be processed fairly and lawfully.
- **Second principle** - Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- **Third principle** - Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- **Fourth principle** - Personal data shall be accurate and, where necessary, kept up to date.
- **Fifth principle** - Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- **Sixth principle** - Personal data shall be processed in accordance with the rights of data subjects under this Act.
- **Seventh principle** - Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- **Eighth principle** - 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 protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## **General Statement**

St Thomas More Language College is committed to maintaining the above principles at all times. Therefore, the College 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

## **Complaints**

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).

***Serving God, Striving for excellence***

## **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

The policy review will be undertaken by the Colleges own **Data Protection Officer** who will report to the Headteacher, or nominated representative of the Governing body.

## **Data Protection Officer**

In January 2018 the College nominated Fr Antony J Homer to be the College Data Protection Officer with oversight of this policy and its implications.

## **Contacts**

If you have any enquires in relation to this policy, please contact:

Mrs J De Belen, [jdebelen.207@lgflmail.org](mailto:jdebelen.207@lgflmail.org) or telephone 020 7589 9734

Headteachers PA who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office:

[www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0162 5545 7453

**Person responsible for Policy:**

**Data Protection Officer – Fr Antony J Homer**

**Policy update:**

**January 2018**

**Policy to be reviewed:**

**September 2018**

## **Appendix 1**

Procedures for responding to subject access requests made under the Data Protection Act 1998 / 2018

### **Rights of access to information**

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

1. Under the Data Protection Act 1998 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 Student Information (Wales) Regulations 2004.

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

### **Actioning a subject access request**

- 1) Requests for information must be made in writing; which includes email, and be addressed to Mrs J de Belen, PA to the Headteacher at St Thomas More Language College. 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.

3) Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the student and take their views into account when making a decision. A student with competency to understand can refuse to consent to the request for their records. Where the student is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the student.

4) The College may make a charge for the provision of information, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.

- With discretion a charge not exceeding the cost of copying the information can be made by the Headteacher.

5) The response time for subject access requests, once officially received, is 40 days (not working or school days but calendar days, irrespective of school holiday periods). However the 40 days will not commence until after receipt of fees or clarification of information sought

6) The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.

7) 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 should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8) Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9) If there are concerns over the disclosure of information then additional advice should be sought.

10) Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11) Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12) 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 should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

## **Complaints**

Complaints about the above procedures should be made to the Chairman of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure. Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Governance and Management Officer at RBKC (Address below).

Contact details of both will be provided with the disclosure information.

## **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact Dr T Papworth, Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone

***Serving God, Striving for excellence***