

DATA PROTECTION POLICY

Last reviewed: January 2016
Date for next review: January 2018



Ashton Hayes Primary School
Church Road, Ashton Hayes, Chester, Cheshire CH3 8AB

The policy was written in September 2014 by the Headteacher and Chair of Governors which will be reviewed every 2 years.

Introduction

This policy is a statement of the aims and principles of Ashton Hayes Primary School, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors. Ashton Hayes Primary School needs to keep certain information about its employees, pupils and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, Ashton Hayes Primary School must comply with the Data Protection Principles which are set out in the Data Protection Act 1998. In summary the **Data Protection Principles** state that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
- Be adequate, relevant and not excessive for that purpose.
- Be accurate and kept up to date.
- Not be kept for longer than is necessary for that purpose.
- Be processed in accordance with the data subject's rights.
- Be kept safe from unauthorised access, accidental loss or destruction.
- Ashton Hayes Primary School and all staff or others who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, Ashton Hayes Primary School has developed this Data Protection Policy.

Status of this Policy

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 Ashton Hayes Primary School from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

The Data Controller and the Designated Data Controllers

Ashton Hayes Primary School as a corporate body is the Data Controller under the 1998 Act, and the Governors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters. There are four Designated Data Controllers, namely the Headteacher; Deputy Headteacher; the School Bursar and the School Administrative Assistant.

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the appropriate Designated Data Controller, who would be: The Administrator.

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the School in connection with their employment is accurate and up to date.
- Informing the School of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The School cannot be held responsible for any errors unless the staff member has informed the School of such changes.
- If and when, as part of their responsibilities, staff collect information about other people (e.g. about a pupil's work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out in the Schools Data Protection Code of Practice.

Data Security

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely. Each teaching member of staff has an encrypted memory stick for holding personal data.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- 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 If a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the School holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the School is doing to comply with its obligations under the 1998 Act.
- This Policy document and the School's Data Protection Code of Practice address in particular the last three points above. To address the first point, the School will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the School holds and processes about them, and the reasons for which they are processed.
- All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files.
- Any person who wishes to exercise this right should complete the *Subject Access Request* Form and submit it to the Designated Data Controller.
- The School will make a charge of £10 on each occasion for each named individual that access is requested, although the School has discretion to waive this.
- The School aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

Subject Consent

- In many cases, the School can only process personal data with the consent of the individual.
- In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the School processing some specified classes of personal data is a condition of acceptance of employment for staff. This included information about previous criminal convictions.
- Jobs will bring the applicants into contact with children. The School has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job.
- The School has a duty of care to all staff and pupils and must therefore make sure those employees and those who use School facilities do not pose a threat or danger to other users.
- The School may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The School will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

Processing Sensitive Information

- Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the School is a safe place for everyone, or to operate other School policies, such as the Sick Pay Policy or the Equal Opportunities Policy.
- Because this information is considered **sensitive** under the 1998 Act, staff (and pupils where appropriate) will be asked to give their express consent for the School to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

Publication of School Information

- Certain items of information relating to School staff will be made available via searchable directories on the public Web site, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the School.

Retention of Data

- The School has a duty to retain some staff and student personal data for a period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the School. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

Retention Schedule

The Data Protection Act 1998 stipulates that records should be kept for no longer than necessary and Ashton Hayes Primary School applies the following records management schedule for retention and safe disposal. All records containing personal information, or sensitive policy information will be made unreadable or reconstructable by

- Paper records will be shredded using the cross-cutting shredder
- CDs / DVDs / floppy disks cut into pieces
- Audio / video tapes and fax rolls dismantled and shredded
- Hard disks dismantled and destroyed

File Description	Data Protection Issues	Statutory Provisions	Retention Period	Action at the end of the administrative life of the record
Child Protection				
Child Protection files	Yes	Education Act 2002	DOB + 25 years	Secure disposal
Allegation of a child protection nature against a member of staff, inc where the allegation is unfounded	Yes	Employment Practices Code	Until the person's normal retirement age, or 10 years from the date of the allegation whichever is longer	Secure disposal
Governors				
Minutes	No		Permanent	Retain in school for 6 years from date of meeting then secure disposal
Agendas	No		Date of meeting	Secure disposal
Reports	No		Date of report + 6 years	Retain in school for 6 years from date of meeting then secure disposal
Instrument of Government	No		Permanent	Retain in school whilst open
Action Plans	No		Date of action + 3 years	Secure disposal
Policy documents	No		Expiry of policy	Retain in school whilst policy is operational
Complaints files	Yes		Date of resolution of complaint + 6 years	Retain in school for first 6 years. Review for further retention in case of contentious disputes. Secure disposal
Proposals for school to be	No			Current year + 3 years

specialist status				
Management				
Reports made by the Headteacher, or the management team	Yes		Date of report + 3 years	Retain in school for 3 years. Secure disposal
Professional development plans	Yes		Closure + 6 years	Secure disposal
School development plans	Yes		Closure + 6 years	Review
Admissions, if successful	Yes		Admission + 1 year	Secure disposal
Admissions, if the appeal is unsuccessful	Yes		Resolution of case + 1 year	Secure disposal
Proof of address supplied by parents as part of admission process	Yes		Current + 1 year	Secure disposal
Supplementary information including additional information such as religion, medical conditions etc.	Yes		Current + 1 year	Secure disposal
Pupils				
Special Educational Needs files, reviews and Individual Education Plans	Yes		DOB + 25 years	Secure disposal
Admission registers	Yes		Date of last entry + 6 years	Retain in school for 6 years from the last date of entry then transfer to Archives
Attendance registers	Yes		Date of register + 3 years	Secure disposal (electronic records need to be destroyed at the same time)
Pupils Files	Yes		Retain in school whilst pupil remains at primary school	Transfer to the secondary school when the child leaves the school
Correspondence relating to Authorised Absence and Issues	No		Date of absence + 2 years	Secure disposal
Examination results	Yes		Year of examinations + 6 years	Secure disposal
Any other records created in the course of contact with pupils	Yes		Current year + 3 years	Review at the end of 3 years and either allocate a further retention period or Secure disposal
Statement maintained under the Education Act 1996 – section 324	Yes	Special Educational Needs and Disability Act 2002 Section 1	DOB + 30 years	Secure disposal unless legal action is pending
Proposed statement or amended statement	Yes	Special Educational Needs and Disability Act 2002 Section 1	DOB + 30 years	Secure disposal unless legal action is pending
Advice and information to parents regarding educational needs	Yes	Special Educational Needs and Disability Act 2002 Section 1	Closure + 12 years	Secure disposal unless legal action is pending
Accessibility Strategy	Yes	Special Educational Needs and Disability Act 2002 Section 1	Closure + 12 years	Secure disposal unless legal action is pending
Parental permission slips for school trips – where there has been no major incident	Yes		Conclusion of trip	Secure disposal
Parental permission slips for school trips – where there has been a major incident	Yes	Limitation Act 1980	DOB of the pupil involved in the incident + 25 years. The permission slips for all the pupils on the trip need to be retained to show that the rules had been followed for all pupils	Secure disposal
Records created by school to	No	3 part supplement to the Health &	Date of visit + 14 years	N

obtain approval to run an Educational Visit Outside the Classroom		Safety of Pupils on Educational Visits 1998		
Curriculum				
School Development Plan	No		Current year + 6 years	Secure disposal
Curriculum plans	No		Current year + 1 year	It may be appropriate to review these records at the end of the year and allocate a new retention period or Secure disposal
Timetable	No		Current year + 1 year	It may be appropriate to review these records at the end of the year and allocate a new retention period or Secure disposal
Class records	No		Current year + 1 year	It may be appropriate to review these records at the end of the year and allocate a new retention period or Secure disposal
Homework set	No		Current year + 1 year	It may be appropriate to review these records at the end of the year and allocate a new retention period or Secure disposal
Pupils' work	No		Current year + 1 year	It may be appropriate to review these records at the end of the year and allocate a new retention period or Secure disposal
Examination results, inc SATs records	Yes		Current + 6 years	Secure disposal
PAN reports	Yes		Current + 6 years	Secure disposal
Value Added + Contextual Data	Yes		Current + 6 years	Secure disposal
Self-Evaluation forms	Yes		Current year + 6 years	Secure disposal
Personnel Records				
Timesheets, sick pay	Yes	Financial Regulations	Current year + 6 years	Secure disposal
Staff Personnel Files	Yes		Termination + 7 years	Secure disposal
Interview notes and recruitment records	Yes		Date of interview + 6 months	Secure disposal
Pre-employment checks	No	DBS guidelines	Date of check + 6 months	Secure disposal by designated member of staff
Disciplinary proceedings <ul style="list-style-type: none"> Oral warning Written warning (L1) Written warning (L2) Final warning 	Yes	Where the warning relates to child protection issues school will seek advice from LSCB	<ul style="list-style-type: none"> Date of warning + 6 months Date of warning + 6 months Date of warning + 12 months Date of warning + 18 months 	Secure disposal
Records related to accident/injury at work	Yes		Date of accident + 12 years	Secure disposal
Annual appraisal records	No		Current year + 5 years	Secure disposal
Salary cards	Yes		Last date of employment + 85 years	Secure disposal
Maternity pay records	Yes	Statutory Maternity Pay (General) Regulations 1986	Current year + 3 years	Secure disposal
Records held under Retirement Benefits Schemes (Information Powers)	Yes		Current year + 6 years	Secure disposal

Regulations 1995				
Proofs of identity collected as part of DBS	Yes		Note kept on SCR	
Health and Safety				
Accessibility Plans		Disability Discrimination Act	Current year + 6 years	Secure disposal
Accident Reporting		PRIME	Date of incident + 7 years (adult) DOB of child + 25 years (child)	Secure disposal
COSHH			Current year + 10 years	
Incident reports	Yes		Current year + 20 years	Secure disposal
Policy statements			Date of expiry + 1 year	Secure disposal
Risk assessments	Yes		Current year + 3 years	Secure disposal
Asbestos checks			Last action + 40 years	Secure disposal
Radiation checks			Last action + 50 years	Secure disposal
Fire Precautions log books			Current year + 6 years	Secure Disposal
Administrative				
Employer's Liability certificate			Closure of school + 40 years	Secure disposal
Inventory of equipment and furniture			Current year + 6 years	Secure disposal
Circulars and newsletters (staff/parents/pupils)			Current + 1 year	Review to see whether further retention period is required Secure disposal
Visitors book			Current year + 2 years	Review to see whether further retention period is required
PTA files			Current + 6 years	Review to see whether further retention period is required
Finance				
Annual Accounts		Financial Regulations	Current year + 6 years	
Contracts			Contract completion date + 12 years	Secure disposal
Budget reports			Current year + 3 years	Secure disposal
Invoices, receipts and other records covered by the Financial Regulations		Financial Regulations	Current year + 6 years	Secure disposal
Order books and requisitions			Current year + 6 years	Secure disposal
School Fund			Current year + 6 years then review	Secure disposal
FSM registers	Yes		Current year + 6 years	
Maintenance and contractors		Financial Regulations	Current year + 6 years	Secure disposal
Leases			Expiry of lease + 6 years	Secure disposal
Lettings			Current year + 3 years	Secure disposal
Maintenance log books			Current year + 6 years	Secure disposal
Local Authority				
Secondary transfer sheets (Primary)	Yes		Current year + 2 years	Secure disposal
Attendance returns	Yes		Current year + 1 year	Secure disposal
LA Circulars and DfE Circulars/papers			Whilst operational	Review to see whether a further retention period is required
OFSTED reports and papers			Replace with any new inspection report	Review to see whether a further retention period is required
Returns			Current year + 6 years	Secure disposal
School Meals				
Dinner Register			Current year + 3 years	Secure disposal
School Meals Summary Sheets			Current year + 3 years	Secure disposal

Agreed: January 2016

Signed –

Chair of Governors: *Margaret Ripworth*

Mrs M Papworth

Headteacher: 

Mr M Hover