



Comet Nursery School and Children's Centre Data Protection Policy 2018

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Statement of intent

Comet Nursery School and Children's Centre (CometNS&CC) is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the Data Protection Act 1998.

Comet Nursery School and Children's Centre may, from time to time, be required to share personal information about its staff or pupils with other organisations, mainly the LA, other schools and educational bodies, and potentially social services.

This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how the school complies with the following core principles of the Act:

- Data must be processed fairly and lawfully.
- Data must only be acquired for one or more lawful purposes and should not be processed for other reasons.
- Data must be adequate, relevant and not excessive Data must be kept accurate and up-to-date.
- Data must not be kept for longer than is necessary.
- Data must be processed in accordance with the data subject's rights.
- Appropriate measures must be taken to prevent unauthorised or unlawful access to data and against loss, destruction or damage to data.
- Data must not be transferred to a country or territory unless it ensures an adequate level of protection for the rights of the subject.

1 Legal framework

This policy has due regard to legislation, including, but not limited to the following:

- The Data Protection Act 1998
- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2013)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998

2 Data controller

- i. CometNS&CC, is the data controller.
- ii. The governing body of CometNS&CC therefore has overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations.
- iii. The SBM deals with the day-to-day matters relating to data protection including the storing of staff and children's details.
- iv. The SBM is responsible for processing personal information on the school's behalf.
- v. On occasion, personal information may be processed by outside organisations involved in data processing. By involving another organisation in data processing, the school increases certain risks. The security of the personal information is covered in a formal contract between the school and any outside organisation.
- vi. CometNS&CC recognises that staff and pupils need to know what the school does with the information it holds about them.
- vii. Parents/carers can access on website of this Data Protection Policy upon registration of their child at the school.

3 Fair processing

- i. CometNS&CC states that personal information of children, families, Governors and staff are only shared with relevant colleagues in order for them to do their job effectively within the context of keeping children safe and enabling children and families to flourish in their learning.
- ii. All members of staff, including members of the governing body, receive information in their responsibilities under the Data Protection Act, and guidance on confidentiality of personal information, as part of their induction.

- iii. This message is reinforced at regular intervals throughout their employment or term as Members of staff and parents/carers are responsible for checking that any information that they provide to the school, in connection with their employment or in regard to a registered pupil, is accurate and up-to-date.
- iv. CometNS&CC cannot be held accountable for any errors unless the employee or parent has informed the school about such changes.
- v. The SBM and Headteacher is responsible for monitoring fair processing controls on an on-going basis; that is data is stored securely and information is shared as appropriate.

4 Data security

- i. Confidential paper records are kept in a locked filing cabinet cupboard with restricted access.
- ii. Confidential paper records are not left unattended or in clear view anywhere with general access.
- iii. Digital data is password-protected both on local hard drive and on a network drive that is regularly backed up off-site.
- iv. Where data is saved on removable storage or a portable device, the device is password protected.
- v. Memory sticks are not used to hold personal information unless they are password-protected and fully encrypted.
- vi. All electronic devices are password-protected to protect the information on the device in case of theft.
- vii. Where possible, the school enables electronic devices to allow the remote blocking or deletion of data in case of theft.
- viii. Staff and governors do not store data of children and families on their personal laptops or computers for school purposes.
- ix. All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.
- x. Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient.
- xi. Circular emails to parents are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.
- xii. When sending confidential information by fax, staff always check that the recipient is correct before sending.
- xiii. Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff take extra care to follow the same procedures for security, for example mail is sent by recorded delivery.

- xiv. Before sharing data, all staff always ensure:
- They are allowed to share it.
 - That adequate security is in place to protect it.
 - Who will receive the data has been outlined by CometNS&CC.
- xv. Under no circumstances are visitors allowed access to confidential or personal information.
- xvi. The physical security of the school's buildings and storage systems, and access to them, is reviewed termly. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.
- xvii. CometNS&CC takes its duties under the Data Protection Act seriously and any unauthorised disclosure may result in disciplinary action.
- xviii. The Headteacher is responsible for continuity and recovery measures are in place to ensure the security of protected data.

5 Subject consent

- i. CometNS&CC understands that subjects have certain legal rights to their personal data, which will be respected.
- ii. Members of staff will be working in close contact with children. Disclosure and Barring Service (DBS) checks will therefore be made a condition of employment in order to ensure that potential employees do not pose a threat or danger.
- iii. Sensitive data is processed if it meets the following requirements:
- It is necessary to protect the subject's vital interests
 - It is carried out in the course of legitimate activities by a not-for-profit body or association with appropriate safeguard
 - It is necessary for the administration of justice or other legal purposes
 - It has been ordered by the Secretary of State
 - It is necessary to prevent fraud
 - It is necessary for medical purposes
 - It is necessary for equality reasons
 - It was made public deliberately by the data subject

6 Rights to access information

- i. All members of staff, parents/carers of registered pupils and other users are entitled to:
- Know what information the school holds and processes about them or their child, and why.
 - Understand how to gain access to it.
 - Understand how to keep it up-to-date.
 - Understand what the school is doing to comply with its obligations under the Data Protection Act.

- ii. All members of staff, parents/carers of registered pupils and other users have the right, under the Data Protection Act, to access certain personal data being held about them or their child.
- iii. Personal information can be shared with pupils once they are old enough, although this information can still be shared with parents/carers.
- iv. Pupils who are old enough to make decisions for themselves, are entitled to have their personal information handled in accordance with their rights.
- v. CometNS&CC will endeavour requests for access to personal information are addressed as quickly as possible, but will ensure that it meets its duty under the Data Protection Act to provide it within 40 working days.
- vi. CometNS&CC complies with its obligations under the Data Protection Act to provide subjects access to personal information.
- vii. All subject access requests are kept in a log that requires formal consideration.
- viii. The school may charge a fee of £10 or more on each occasion that access is requested.
- ix. CometNS&CC is not obliged to provide personal data if the administrative cost is deemed to exceed the limit of £450 as contained in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
- x. CometNS&CC is not obliged to supply access to information unless it has received:
 - A request in writing.
 - The fee required.

7 Publication of information

- i. CometNS&CC publishes key policies and curricular information on its website. Curricular information includes the following:
 - Early Years Pupil Premium
 - Provision for children with Special Educational Needs and disabilities.
 - Learning updates

8 CCTV and photography

- i. CometNS&CC understands that recording images of identifiable individuals constitutes processing personal information, so it is done in line with data protection principles.
- ii. CometNS&CC notifies all pupils, staff and visitors of the purpose for collecting CCTV images via signage around the building.
- iii. Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose
- iv. CometNS&CC keeps CCTV footage for six months for security purposes; the school business manager is responsible for keeping the records secure and allowing access.

- v. The school always indicates its intentions for taking photographs of pupils and retrieves permission before publishing them.
- vi. If the school wishes to use images/video footage of pupils in a publication, such as the school website, prospectus, or recordings of school plays, written permission is sought for the particular usage from the parent/carer of the pupil.
- vii. Precautions, as outlined in the Photography Policy, are taken when publishing photographs of pupils, in print, video or on the school website.
- viii. Images captured by individuals for recreational/personal purposes, and videos made by parents for family use, are exempt from the Data Protection Act.

9 Data Retention

- i. The Data Protection Act states that data should not be kept for longer than is necessary.
- ii. In the case of CometNS&CC, unrequired data is deleted as soon as practicable.
- iii. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.
- iv. Paper documents are shredded and electronic data is removed once no longer required; as determined by safeguarding interests (seven years), legal enforcements or any other reason deemed reasonable in promoting the well being of the student/staff or Governor.

10 DBS data

- i. All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication.
- ii. Data provided by the DBS is never duplicated.
- iii. Any third parties who access DBS information are made aware of the data protection legislation, as well as their responsibilities as a data handler.

11 Challenges and compensation

- i. CometNS&CC understands that members of staff and the parents/carers of registered pupils have the right to prevent the processing of personal data if it is likely to cause damage or distress.
- ii. Individuals with concerns related to the processing of personal data should provide the Headteacher with written notice.
- iii. If the Headteacher receives a written notice asking them to cease or not to begin processing specified data, a reply will be made within 21 days detailing:
 - a. Compliance or their intent to comply.
 - b. Reasons for considering the subject's written notice and why it is unjustified

- iv. Where the Headteacher believes such requests are not justified, advice will be sought from Human Resources department.
- v. Data subjects reserve the right to take their concerns to a court of law and will be entitled to compensation if it is judged that the school contravened the provisions of the Data Protection Act.
- vi. Individuals who are not the subject of the data, but suffer damage as a result of the contravention, are also entitled to compensation.
- vii. It is the individual's own responsibility to take action for compensation if loss of personal data causes them damage.
- viii. The school will immediately rectify, block, erase or destroy any data that a court of law judges to have contravened the requirements of the Data Protection Act.

12 Policy review

Chair of Governors

Name _____

Signature _____

Date _____

Headteacher

Name _____

Signature _____

Date _____

Date for Review Autumn 2020