



# OWLS Academy Trust

## Data Protection Policy

Adopted by The OWLS Academy Trust on	
Next Review Due	

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## Statement of intent

OWLS 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.

The OWLS 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 under the Data Protection Act and outlines how OWLS 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 the 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.

Organisational methods for keeping data secure are imperative, and OWLS believes that it is good practice to keep clear practical policies, backed up by written procedures.

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Signed by:

\_\_\_\_\_ Headteacher

Date: \_\_\_\_\_

\_\_\_\_\_ Chair of governors

Date: \_\_\_\_\_

Next review date: \_\_\_\_\_

## 1. Data controller

- 1.1. The OWLS, as the corporate body, is the data controller.
- 1.2. The governing body of OWLS therefore has overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations.
- 1.3. The school business manager will deal with the day-to-day matters relating to data protection.
- 1.4. Therefore, the school business manager is responsible for processing personal information on the OWLS's behalf. The security of the personal information is covered in a written agreement/formal contract between the OWLS and the school business manager.
- 1.5. On occasion, personal information may be processed by request. By involving another organisation in the data processing, the OWLS signs up to an increase in certain risks, for instance, fraud. The security of the personal information is covered in a written agreement/formal contract between the OWLS and others as requested.

## **2. Fair processing**

- 2.1. OWLS recognises that its staff members and pupils need to know what the OWLS does with the information it holds about them.
- 2.2. Parents will receive a copy of this Data Protection Policy upon registration of their child at OWLS, as well as an overview of the information that the OWLS will keep about their child.
- 2.3. OWLS issues a general privacy notice, detailing the purposes for which personal data collected by the OWLS will be used, before obtaining or with a request for any personal information.
- 2.4. If personal details are being recorded for a specific purpose, a specific privacy notice may be issued.

- 2.5. The general privacy notice is also published on the OWLS website.
- 2.6. Personal information is only made available to staff and governors who need that particular information to do their jobs, and is only made available at the time that it is needed.
- 2.7. All staff members, including members of the governing body will receive training in their responsibilities under the Data Protection Act, and guidance on confidentiality of personal information, as part of their HR induction.
- 2.8. The training will be reinforced at regular intervals throughout their employment/term as governor, e.g. on inset days.
- 2.9. Staff members and parents are responsible for checking that any information that they provide to the OWLS in connection with their employment or in regard to a registered pupil is accurate and up-to-date.
- 2.10. The OWLS cannot be held accountable for any errors unless the employee or parent has informed the OWLS about such changes.
- 2.11. The school business manager is responsible for monitoring fair processing controls on a regular basis.

### **3. Data security**

- 3.1. Confidential paper records are kept in a locked filing cabinet, drawer or safe, with restricted access.
- 3.2. Confidential paper records should not be left unattended or in clear view anywhere with general access.
- 3.3. Computerised data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- 3.4. Where data is saved on removable storage or a portable device, the device must be kept in a locked filing cabinet, drawer or safe when not in use.

- 3.5. Memory sticks should not be used to hold personal information unless they are password-protected and fully encrypted.
- 3.6. All electronic devices must be password-protected to protect the information on the device in case of theft.
- 3.7. Where possible, OWLS enables electronic devices to allow the remote blocking/deletion of data in case of theft.
- 3.8. Staff and governors should not use their personal laptops or computers for OWLS purposes.
- 3.9. All necessary staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.
- 3.10. Emails containing sensitive or confidential information should be password-protected if there are insecure servers between the sender and the recipient.
- 3.11. Circular emails to parents should be sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.
- 3.12. When sending confidential information by fax, staff must check that the recipient is correct before sending.
- 3.13. OWLS uses INTERNAL secure sending system.
- 3.14. OWLS uses encryption software encryption software to protect all electronic devices, and ensures encryption settings are always up-to-date.
- 3.15. Where personal information that could be considered private or confidential is taken off the school premises, either in electronic or paper format, staff must take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from the school premises must accept full responsibility for the security of the data.
- 3.16. Before sharing data, all staff must ensure:

- They are allowed to share it.
  - That adequate security is in place to protect it.
  - Who will receive the data has been outlined in a privacy notice.
- 3.17. Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the school containing sensitive information must be supervised at all times.
- 3.18. The physical security of the school 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.
- 3.19. **OWLS** takes its duties under the Data Protection Act seriously and any unauthorised disclosure may result in disciplinary action.

#### **4. Subject consent**

- 4.1. **OWLS** understands that subjects have certain legal rights to their personal data, which will be respected.
- 4.2. The **OWLS** will not process personal data without the consent of the subject, although the processing of data will sometimes be necessary for:
- The performance of a contract to which the subject is party to, or the steps taken with a view to entering a contract.
  - Compliance with a legal obligation to which the **OWLS** is subject.
  - The administration of justice, legal functions of persons or departments, or functions of a public nature exercised in the public interest.
  - The purposes of legitimate interests of the **OWLS**, unless the decision prejudices the rights, freedoms or legitimate interests of the subject.
- 4.3. Staff members of the **OWLS** 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.
- 4.4. Sensitive data, including: information relating to a subject's racial or ethnic origin; political opinions; religious beliefs; trade union membership; physical or mental health; their sex life; or

the commission of any offence, can only be processed with the explicit consent of the subject.

4.5. Sensitive data will only be processed if:

- 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 safeguards.
- 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.

## 5. Rights to access information

5.1. All staff members, parents of registered pupils and other users are entitled to:

- Know what information the **OWLS** 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 **OWLS** is doing to comply with its obligations under the Data Protection Act.

5.2. All staff members, parents 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.

5.3. Personal information can be shared with pupils once they are old enough, although this information can still be shared with parents/guardians.

5.4. Pupils old enough to make decisions for themselves are entitled to have their personal information handled in accordance with their rights.

5.5. The **OWLS** aims to comply with requests for access to personal information as quickly as possible, but will ensure that it meets its duty under the Data Protection Act to provide it within 40 working days.

- 5.6. OWLS will comply with its obligations under the Data Protection Act to provide subjects access to personal information.
- 5.7. All subject access requests must be kept in a log that requires formal consideration.
- 5.8. The OWLS may charge a fee of £10 or more on each occasion that access is requested.
- 5.9. The OWLS is not obliged to provide unstructured 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.
- 5.10. OWLS is not obliged to supply access to information unless it has received:
  - A request in writing.
  - The fee required.

## **6. Publication of information**

- 6.1. OWLS will publish a publication scheme on its website outlining classes of information that will be made routinely available, including:
  - Policies and procedures.
  - Minutes of meetings.
  - Annual reports.
  - Financial information.
- 6.2. Classes of information specified in the publication scheme will be made available quickly and easily on request.
- 6.3. OWLS will not publish any personal information, including photos, on its website without the permission of the affected individual.
- 6.4. When uploading information to the school website, staff must be considerate of any metadata or deletions which could be accessed in documents and images on the site.

## **7. CCTV and photography**

- 7.1. OWLS understands that recording images of identifiable individuals constitutes processing personal information, so must be done in line with data protection principles.
- 7.2. OWLS notifies all pupils, staff and visitors of the purpose for collecting CCTV images via notice boards, letters and email.
- 7.3. Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose: Health and Safety
- 7.4. OWLS keeps CCTV footage for 2 months for security purposes and H&S. The school business manager is responsible for keeping the records secure and allowing access.
- 7.5. The OWLS will always indicate its intentions for taking photographs of pupils and retrieve permission before publishing them.
- 7.6. If the OWLS wishes to use images/video footage of pupils in a publication, such as the school website, prospectus, or recordings of school plays, written permission will be sought for the particular usage from the parent/guardian of the pupil.
- 7.7. Images captured by individuals for recreational/personal purposes, and videos made by parents for family use, are exempt from the Data Protection Act.

## **8. Data retention**

- 8.1. The Data Protection Act states that data should not be kept for longer than is necessary.
- 8.2. In the case of OWLS, unrequired data will be deleted as soon as practicable.
- 8.3. Some educational records relating to a former pupil or employee of the OWLS may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

- 8.4. Records of DBS checks will be destroyed immediately, although the date that the check was made will be retained in the OWLS's file.
- 8.5. Paper documents must be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

## 9. Challenges and compensation

- 9.1. OWLS understands that staff members and the parents of registered pupils have the right to prevent the processing of personal data if it is likely to cause damage or distress.
- 9.2. Individuals with concerns related to the processing of personal data should provide the school business manager with written notice.
- 9.3. If the school business manager receives a written notice asking them to cease or not to begin processing specified data, they must reply in writing within 21 days detailing:
  - Their compliance or their intent to comply; or
  - Their reasons for considering the subject's written notice unjustified and the extent to which they have complied, or intend to comply, with the request.
- 9.4. 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 OWLS contravened the provisions of the Data Protection Act.
- 9.5. Individuals who are not the subject of the data, but suffer damage as a result of the contravention, are also entitled to compensation.
- 9.6. It is the individual's own responsibility to take action for compensation if loss of personal data causes them damage.
- 9.7. The OWLS 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.

