



Learning that Connects

DATA PROTECTION POLICY

Policy date: September 2016

Review date: September 2018

Chair of Governors: Bob Paton

Governors Approval: 28th September 2016

Please note that Simon Hanson is our Chair of Governors as from 29th November 2016

Studio West believes that protecting the privacy of our staff and students and regulating their safety through data management, control, and evaluation is vital to whole-school and individual progress. The school collects personal data from students, parents, and staff and processes it in order to support teaching and learning, monitor and report on student and teacher progress, and strengthen our pastoral provision.

We take responsibility for ensuring that any data that we collect and process is used correctly and only as is necessary, and the school will keep parents fully informed of how data is collected, what is collected, and how it is used. National curriculum results, attendance and registration records, special educational needs data, and any relevant medical information are examples of the type of data that the school needs. Through effective data management we can monitor a range of school provisions and evaluate the wellbeing and academic progression of our school Body to ensure that we are doing all that we can to support both staff and students.

1. Our promise

In line with the Data Protection Act 1998, and following principles of good practice when processing data, Studio West will:

- ensure that data is fairly and lawfully processed
- process data only for limited purposes
- ensure that all data processed is adequate, relevant and not excessive
- ensure that data processed is accurate
- not keep data longer than is necessary
- process the data in accordance with the data subject's rights
- ensure that data is secure
- ensure that data is not transferred to other countries without adequate protection

There may be circumstances where the school is required either by law or in the best interests of our students or staff to pass information onto external authorities, for example our Local Authority, Ofsted, or the Department of Health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

Under no circumstances will the school disclose information or data:

- that would cause serious harm to the child or anyone else's physical or mental health or condition
- indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child

- recorded by the student in an examination
- that would allow another person to be identified or identifies another person as the source, unless the person is an employee of the school or local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so that the person's name or identifying details are removed

2. Requesting data

Students have a right under the Data Protection Act to request information that the school has collected about them by any data controller.

Educational record

A student can request, in writing, to see their educational record, and the school will comply within 40 calendar days. This record may include:

- a statement of special educational needs
- their personal education plan (PEP) – the document provided by social care to the school if a child is looked-after
- a record of information kept by the school, for example relating to behaviour or family background, which:
 - is processed by or on behalf of the Governing Body or a Learning Coach at any maintained or special school
 - relates to a past or present student
 - originates from any employee at the LA that maintains the school, or is supplied by or on behalf of them
 - originates from any Learning Coach or other employee at the student's school or former school (in the case of a voluntary aided, foundation or foundation special school or a special school not maintained by a LA), or is supplied by or on behalf of them
 - originates from the student to whom the record relates or the student's parent, or is supplied by or on behalf of them

A parent or carer can request to see their child's educational record, or request it on behalf of their child, in writing. The information will be presented within 15 days of the request. If there is a cost of retrieving the information, for example if a copy must be made, the Governing Body may charge the parent the amount that it will cost but no more. Other than this, there will be no charge for the information requested.

Staff

We are legally obliged to protect certain information on our staff. School staff have a right to see records of their personal information. Staff who wish to access this information can make a subject access request under the Data Protection Act 1998.

Disclosure of these records will be made once third party information has been removed in accordance with the Data Protection Act 1998.

3. Access to data and disclosure

Third parties

Personal data about students will not be disclosed to third parties without the consent of the child's parent or carer, unless it is obliged by law or in the best interest of the child. Data may be disclosed to the following third parties without consent:

Other school

If a student transfers from Studio West to another school, their academic records and other data that relates to their health and welfare will be forwarded onto the school. This will support a smooth transition from one school to the next and ensure that the child is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the child's academic progress as a result of the move.

Examination authorities

This may be for registration purposes, to allow the students at our school to sit examinations set by external exam bodies.

Health authorities

As obliged under health legislation, the school may pass on information regarding the health of children in the school to monitor and avoid the spread of contagious diseases in the interest of public health.

Police and courts

If, a situation arises where a criminal investigation is being carried out we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

Social workers and support agencies

In order to protect or maintain the welfare of our students and in cases of child abuse, it may be necessary to pass personal data on to social workers or support agencies.

Educational division

Schools may be required to pass data on in order to help the government to monitor the national educational system and enforce the Education Act.

Studio West staff

Studio West staff will have restricted access to students' personal data and will be given access only on a 'need to know' basis in the course of their duties within the school.

All staff are well informed of the Data Protection Act and how their conduct must correspond with this. Staff will use data only for the purpose of which it was collected, and any staff that are found to be acting intentionally in breach of this will be disciplined in line with the seriousness of their misconduct.

4. Location of information and data

Data, records, and personal information should be stored out of sight and in a locked cupboard no matter what format it is in. The only exception to this is medical information that may require immediate access during the school day. This will be stored in the students file on SIMs.

Sensitive or personal information and data should ideally not be removed from the school site, however the school acknowledges that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings, or are on school visits with students. The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

- Paper copies of data or personal information should not be taken off the school site. If these are misplaced they are easily accessed. If there is no way to avoid taking a paper copy of data off the school site, the information should not be on view in public places, or left unattended under any circumstances.
- Unwanted paper copies of data, sensitive information or student files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or student by name.
- Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers.
- If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.
- If it is necessary to transport data away from the school, it should be downloaded onto a USB stick. The data should not be transferred from this stick onto any home or public computers. Work should be edited from the USB, and saved onto the USB only.
- USB sticks that staff use must be password protected.

These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

5. Retention of data

Studio West will not keep personal data on students for any longer than is necessary. Information such as statistical data, and information that is collected to be kept as part of school records, will be kept by the school even after the child leaves.

It is very important that all examination results certificates and records indicating the progress of a student are safely kept by their parents/carers as the school cannot guarantee that this information will be kept indefinitely by the school.

Studio West cannot guarantee that any information will be kept by the school indefinitely, although records are usually kept for a period of 5 years after the child has left the school.