

We welcome children of all faiths, backgrounds and beliefs into our inclusive community. We seek inspiration from the life and teaching of Jesus Christ to help our children achieve their full potential. We uphold the distinctive Christian ethos and values of the Heartwood academy when making all decisions and implementing policy and practice. We aim to provide a caring and stimulating environment which promotes a love of learning whilst seeking to inspire every pupil to become a well-motivated, independent and resourceful learner.

## Heartwood Church of England

### Academy Trust



## Data Protection Policy

Policy Owner: Headteacher  
Date ratified: Summer 2017  
Next Review Date: Summer 2019  
Sign off signatory:

## **1 General Statement of the School's Duties**

The Heartwood MAT is required to process relevant personal data regarding staff, Governors, volunteers, pupils, their parents and guardians. We will take all reasonable steps to do so in accordance with this policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. Reference to pupils in this policy includes current, past or prospective pupils.

## **2 Data Protection Controller**

The Heartwood MAT has an appointed Data Protection Controller (DPC) who will seek to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998. Data protection procedures will be followed by all staff members.

## **3 The Principles**

The Heartwood MAT shall so far as is reasonably practicable comply with the Data Protection Principles contained in the Data Protection Act 1998 to ensure all data is:

- Fairly and lawfully processed
- Processed for specified, lawful purposes
- Adequate, relevant and not excessive
- Accurate and kept up to date
- Not kept for longer than necessary
- Processed in accordance with the individual's legal data rights
- Securely protected against unauthorised processing, accidental loss destruction or damage
- Not transferred to other countries (especially outside the EU) without adequate protection

## **4 Personal Data**

Definitions of personal data are highly complex, and it is difficult to define categorically. However, broadly speaking and in day-to-day use, 'personal data' is information which relates to a living, identifiable individual.

In the context of this document and the School's requirement to process 'personal

data' as part of its duty of care and to educate its pupils, 'personal data' may include:

- School admission and attendance registers
- Pupil's curricular records
- Reports to parents on the achievements of their children
- Records in connection with pupils entered for prescribed public examinations
- Staff records, including payroll records
- Pupil disciplinary records
- Personal information for teaching purposes
- Records of contractors and suppliers
- Governor and volunteer data

## **5 Processing Personal Data**

If it is necessary for the schools within the MAT to process certain personal data to fulfil its obligations to pupils and their parents or guardians then consent is not required. However, any information which falls under the definition of personal data, and is not otherwise exempt (see part 9), will remain confidential. Data will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

## **6 Sensitive Personal Data**

Sensitive data may include:

- Ethnic or racial origin
- Political opinions
- Religious beliefs
- Other beliefs of a similar nature
- Membership of a trade union
- Physical or mental health or condition
- Sexual life
- Offence or alleged offence
- Proceedings or court sentence

Where sensitive personal data is processed by the schools, the explicit consent of the appropriate individual will be required in writing.

## **7 Rights of Access**

Individuals have a right of access to information held by the schools within the Heartwood MAT. Any individual wishing to access their personal data should put their written request to the Data Protection Controller. The School will try to respond to any

such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to reply to an access to information request.

Please note the school may charge an administration fee of up to £10.00 for providing this information

Parents and guardians do have right of access to their child's educational record. They should make the request in writing to the Headteacher.

It is important to note that certain data is exempt from the right of access under the Data Protection Act. This can include:

- Information which identifies other individuals
- Information which the School reasonably believes is likely to cause damage or distress
- Information which is subject to legal professional privilege
- Pupil examination scripts

The schools will also treat as confidential any reference given by the school for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The schools acknowledges that an individual may have the right to access a reference relating to them received by the school. However, such a reference will only be disclosed if doing so does not identify the referee or where, notwithstanding this, the referee has given their consent or if disclosure is considered reasonable.

## **8 Data Rights**

Under the Data Protection Act 1998, the rights to the data belong to the individual to whom the data relates. However, in most cases, the School will rely on parental consent to process data relating to pupils unless, given the circumstances and the pupil's age and understanding, it is unreasonable to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted. These situations are very rare, and it is a general policy in the Heartwood MAT to always seek parental or guardian consent before processing a child's personal data.

The Heartwood MAT is legally required to give a pupil access to their personal data. However, it should be noted that in accordance with Section 30 of the Exemptions to the Data Protection Act 1998, if the School does not consider it appropriate for a pupil to see a particular document which a pupil has asked to see and even obtained a parental request for access to that data, the School can withhold access.

Where a pupil seeks to raise private concerns confidentially with a member of staff and makes it clear they do not want the data passed on to their parents or guardian, the schools will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the schools believes disclosure will be in the very best interests of the pupil or other pupils.

## **9 Exemptions**

Certain data is exempted from the provisions of the Data Protection Act:

- The prevention or detection of crime
- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

There are other exemptions under the Act. Requests for further information on exemptions should be made to the School Data Protection Controller.

## **10 Disclosure of Information**

The Heartwood MAT confirms that it will not generally disclose information about individuals, unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However, for the following purposes, the school does intend to disclose data as is necessary to third parties:

- To give confidential references for any educational institution which the pupil may wish to attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the School.
- To disclose medical details of a pupil's medical condition where it is in the pupil's interests to do so (eg. to organisers of a school trip).
- To give references to other schools concerning present and ex members of staff.

When the schools receive a disclosure request from a third party it will always take action to establish the identity of that third party before making any disclosure.

## **11 Use of Personal Information by the School**

As part of the entry procedure into the Heartwood MAT at any age, all pupils are asked to sign an agreement giving the schools their consent to use their personal data for:

- Use of photographic images in schools publications (eg. The Herald) or on the school website
- Fundraising, marketing or promotional purposes and to maintain relationships with pupils of the school.

## 12 **Accuracy**

In accordance with the Data Protection Act 1998 it is Heartwood MAT policy to ensure that any personal data held about an individual is accurate. Conversely, the schools will seek to encourage all pupils and staff to notify the Data Protection Controller of any changes to information held about them (change of address, change of marital status etc). The schools recognises the individual right to request that inaccurate information about them is erased or corrected.

## 13 **Security**

Where it is reasonably practicable, the schools will take steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The schools will ensure that all personal information is held in a secure central location and is not accessible to unauthorised persons.

## 14 **Enforcement**

If an individual believes that the Heartwood MAT has not complied with this policy or acted otherwise than in accordance with the Data Protection Act, they should make a complaint to the school and notify the Data Protection Controller.

## 15 **Compliance**

Compliance with the 1998 Act is the responsibility of all members of school staff. Any deliberate breach of the Data Protection Policy, may lead to disciplinary action being taken.

## 16 Complaints

Complaints about the above procedures should be made to the Chairperson of the Local Governing Committee who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints that are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

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