



Castle Phoenix Trust

DATA PROTECTION POLICY

This policy is under review in accordance with the requirements of the General Data Protection Regulation ("GDPR"). Changes will only come into effect on 25 May 2018. Note prior to that date the GDPR is not in force and the Data Protection Act 1998 continues to apply.

The Management of Personal Data Policy (Data Protection)

1. General statement

Everyone has rights with regard to the way in which their personal data is handled. During the course of our activities as a Multi Academy Trust we will collect, store and process personal data about our pupils, workforce, parents and others. This makes us a data controller in relation to that personal data.

- This policy applies to all schools within Castle Phoenix Trust which currently includes Hill Farm Primary School ('the school'), Kingsbury School ('the school'), and Caludon Castle School ('the school')
- The Trust and staff intend to comply fully with the requirements and principles of the Data Protection Act 1998, Human Rights Act 1998, and Freedom of Information Act 2000 in relation to the management of personal data in the Trust. Further information in connection with these Acts can be found on the Information Commissioner's Office website <https://ico.org.uk/>
- The Trust are committed to the protection of all personal data and special category personal data for which we are the data controller.
- All staff involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities within these guidelines.
- Staff deliberately acting outside their recognised authority may be subject to appropriate disciplinary proceedings.

2. Enquiries and information.

Enquiries about this policy should be made to the Data Protection, Governance and Compliance officer who can also provide further information about Trust procedures. The registered purposes for processing personal information, as recorded for notification by the Trust, are available by appointment for inspection in each school. Explanation of the entries registered is available from the Data Protection, Governance and Compliance officer who is the person nominated to deal with data protection issues. Further information can be obtained from the website <https://ico.org.uk/> which outlines details of the relevant law in full.

3. Fair obtaining

The Trust undertakes to obtain information fairly and lawfully by informing all data subjects of the reasons for its collection, the purposes for which the data will be held, where possible the likely recipients, and the data subject's rights of access. Information about the use of personal data is printed on the appropriate collection forms. Where details are given in person or by telephone the staff member collecting the details will advise on how those details will be used.

4. Data uses and processes

The Trust will not use or process personal information that contravenes its statutory or registered / notified purposes.

Any new purposes for data processing introduced will, where appropriate, be notified to the individual and, if required by law, their consent will be sought. A copy of the up to date notification/ registration will be kept at the Trust for inspection purposes.

In general the Trust will only process data with the subject data's consent (or with the consent of parents/carer acting on behalf of their child). There may be exceptions as outlined in Schedules 2 and 3 of the Data Protection Act 1998 where processing is necessary, for example, for the Trust to comply with its other legal obligations or to protect the vital interests of the data subject.

Only authorised and properly instructed staff are allowed to make external disclosures of personal data. Data used within the Trust should be made available to staff only if they need to know for their work in the relevant school.

5. Data integrity

- The Trust will not collect data from individuals that is excessive or irrelevant in relation to the registered / notified purpose(s). Details collected will be adequate and no more. Information collected that becomes irrelevant or excessive will be deleted.
- Information will only be held for as long as is necessary for the registered / notified period -after which the details will be deleted/destroyed.
- Data held will be as accurate and as up-to-date as is reasonably possible. If a data subject informs the Trust of a change of circumstances their record will be updated as soon as possible. Information received from a third party will be recorded as such.
- Where a data subject challenges the accuracy of their data and it cannot be updated immediately, or where the new information needs to be checked for accuracy and validity, a marker will be placed on the "challenged" record indicating the nature of the dispute or delay. The relevant school will try to resolve the issue(s) informally and amicably with the individual but if this is not possible any dispute will be referred to the local Governing Body initially in order to be addressed through the appropriate process.

6. Security

The Trust undertakes to ensure the security of personal data to prevent unauthorised individuals and staff from gaining access to personal information by:

Physical security

- Ensuring that no student has access to networks where personal data is stored.
- Appropriate building security, including lockable doors, alarms systems that are regularly checked for functionality, CCTV
- Control and restricting access of unauthorised personnel to school offices and rooms where personal data systems are kept.
- Provision of secure storage/ filing systems/lockable cabinets.
- Safe storage of computer back up tapes /disks (risk of fire, theft, other damage or loss)

- Ensuring lap top computers are always stored in secure areas on site and off site if appropriate

Logical security

- Password protection and controls for electronic access of information, including networks.
- Passworded screensavers, read only files (prevent unauthorised amendment).
- Ensuring that password changes are made regularly.

Procedures and protocols

- Only permitting authorised personnel to have access to personal data records.
- By implementing a controlled system to record the removal and transfer of personal data from its normal storage area, including transfer within the school and removal off-site.
- Ensuring that all staff are made aware of their responsibilities for data protection and for general security matters and their knowledge is updated as required.
- By destroying redundant data in accordance with the Trust's procedures for disposing of confidential materials (shredding or compacting)

7. Subject access / subject information requests

- Any person whose details are held/ processed by the Trust (data subjects) has a general right to receive a copy of their own information. This is known as subject access for which there is full guidance on the Information Commissioner's Office website.
- The Trust will respond in writing to requests within the 30 days allowed by the Data Protection Act 1998.
- The Trust's policy for dealing with requests for subject access in respect of a pupil is :

Requests from parents / legal guardians in respect of their own child will, provided that the child does not understand the nature of the subject access requests, be processed as requests made on behalf of the data subject (child)

Requests from pupils who **do not** understand the nature of the request will be referred to the child's parents

Requests from pupils who demonstrate an understanding of the nature of their request will be processed as any subject access request as outlined below.

N.B. The Trusts' normal assumption will be that at the age of 13 a child is able to understand the issues concerning access to their data.

The data controller (the trust) will make the judgement about whether a child has the necessary level of understanding, and will seek guidance from the Information Commissioner and /or the Trust's legal advisor in the event of a dispute.

- A subject access / information request should be submitted on the appropriate forms wherever possible to ensure that the Trust has the required information to be able to conduct a data search and fulfil the request. (See below)

- Where information is not available from the Trust but is processed by an external body such as the Local Authority (for example for admissions and transfers) the requests will be directed to the appropriate officer.
- In some cases, especially with requests not submitted on the appropriate forms, further information may need to be required from the requester which may delay the start of the 30 day maximum period.
- Repeat requests will be fulfilled unless deemed unreasonable, such as a second request received so soon after the first that it would be impossible for the details to have changed.
- **Complaints and appeals**
Complaints, disputes or challenges as described above should be first taken up with the Head teacher or an authorised person acting on his/her behalf.

Written by: Emma Over
Next review date: TBC

Approved by Governors: 12.05.16

Subject Access Request Form
Section 1

This form is used by Castle Phoenix Trust (either Caludon Castle School, Kingsbury School or Hill Farm Primary School) to help you to receive information we hold and process about the data subject (the term used for the person whose information is held by the Trust).

Please complete the form as fully as possible- if you do not it could make it difficult for us to process your request.

If you are applying on behalf of another person, with their consent, **please include proof of your right to do so**. If you need help completing this form please contact **the School Business Manager**.

Data subject's name _____

Address _____

_____ Post code: _____

Previous address if you have moved since your details were given to the school

_____ Post code: _____

Section 2 (Please tick)

Are you the data subject named above?	Yes	No	If yes please proceed to section 4
Are you the parent / guardian of the child and acting on behalf of a child who does not understand the nature of their own access rights	Yes	No	If yes please proceed to section 4
Are you acting on behalf of the person named above	Yes	No	If yes please proceed to section 3

Section 3 If you are acting on behalf of the data subject

Do you have written permission?	Yes	No	If yes please attach a copy and proceed to section 3a
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3.a. Please complete the following declaration

I(Applicant) declare that **I am a representative** acting on behalf (the data subject) with their full knowledge and written consent (enclosed), or on behalf of a child who does not understand the nature of the request and I am acting in their interest. I will only disclose the information to the data subject except with further authorisation from them.

Signed..... Representative / Parent

3.b Details about the representative.

Representative's name _____

Address _____

_____ Post code _____ Tel _____

Section 4

Please state in your own words what information is being requested. Please include details of any reference numbers or other identifiers which will help the school to locate information quickly or reasons why it is believed that the school/Trust has the information in its files.

Section 5

Declaration

To be signed by all applicants

I declare that the information given in this form is correct and that I am the data subject, parent or representative.

Signed

Date,

The school/Trust has 40 calendar days to respond to requests. The information you provide on this form will be used only for the purposes of processing your request.

On receipt of this form, the school will inform applicants where an admin fee will be incurred.