



**SOUTH WEST ESSEX**  
COMMUNITY EDUCATION TRUST

**Name of Policy:** **DATA PROTECTION**

**Issue Status:** Created by PJM on 24/08/15  
Approved by the Board on 14/12/15  
Reviewed by PJM 06/12/17

**To be reviewed by:** May 2018

**Approval Signature:** \_\_\_\_\_  
Chair of the Board  
  
Date:

## Policy Contents:

<b>Section</b>	<b>Title</b>	<b>Page Number</b>
	Title page & Issue Status	1
	Policy Contents	2
	Changes to Policy since last review	3
	Consultation on this Policy	3
<b>1</b>	About this Policy	4
<b>2</b>	Data Protection Principles & Rationale	4
<b>3</b>	Fair and Lawful Processing	4
<b>4</b>	How we are likely to use personal data	5
<b>5</b>	Processing for limited purposes	5
<b>6</b>	Adequate, relevant and non-excessive processing	5
<b>7</b>	Accurate data	5
<b>8</b>	Data retention	5
<b>9</b>	Processing in line with your rights	6
<b>10</b>	Maintaining data security	6
<b>11</b>	Providing information to third parties	6
<b>12</b>	Subject access requests	6
<b>13</b>	Breaches of this policy	6
<b>Appendix 1</b>	Appendix 1: Fair Processing Notices – Parents/Pupils	7
<b>Appendix 2</b>	Appendix 2: Fair Processing Notices – Trust employees	8

**Changes to Policy since last review**

<b>Relevant Section</b>	<b>Change made</b>	<b>Page Number</b>
	None – new policy	

**Consultation on this Policy**

Consultation was conducted with the following groups on the dates below. All comments received were considered and changes incorporated. Future versions will see changes made, outlined in the above section for quick reference.

Employees & Unions

w/c 13/10/15

In each case at least 2 calendar weeks formed the consultation period.

## **1. About this Policy**

1.1 During the course of our activities we will collect, process and use personal data (which may be held on paper, electronically, or otherwise). We recognise the need to treat it in an appropriate and lawful manner, in accordance with the Data Protection Act (1998). The purpose of this policy is to make you aware of how we will handle your personal data.

1.2 The Trust has a duty to be registered, as Data Controllers, with the Information Commissioner's Office detailing the information held and its use. These details are then available on the ICO website. The Trust also has a duty to issue a fair processing notice to all stakeholders which summarises what information is held, why it is held and to whom information is shared.

## **2. Data Protection Principles & Rationale**

2.1 We will comply with the eight data protection principles in the Data Protection Act (1988), which say that personal data must be:

- a) Processed fairly and lawfully;
- b) Processed for limited purposes and in an appropriate way
- c) Adequate, relevant and not excessive for the purpose;
- d) Accurate and kept up to date;
- e) Not kept longer than necessary for the purpose;
- f) Processed in line with individuals' rights;
- g) Secure;
- h) Not transferred to people or organisations situated in countries without adequate protection.

2.2 All staff involved in collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

Schools in the Trust holds this personal data and uses it to support teaching and learning, monitor and report on progress and provide appropriate pastoral care. This information includes contact details, national curriculum assessment results, attendance information and personal characteristics such as ethnic group, any special educational needs and relevant medical information, and may include photographic and CCTV images as appropriate.

If a school in the Trust uses biometric data, the school will comply with all laws applicable to its use, at the time.

## **3. Fair and Lawful Processing**

3.1 "Personal data" means recorded information we hold about you from which you can be identified. It may include contact details, other personal information, photographs, expressions of opinion about you or indications as to our intentions about you. "Processing" means doing anything with the data, such as accessing, disclosing, destroying or using the data in any way.

3.2 We will usually only process your personal data where you have given your consent or where the processing is necessary to comply with our legal obligations. In other cases,

processing may be necessary for the protection of your vital interests, for our legitimate interests or the legitimate interests of others. The full list of conditions is set out in the DPA.

- 3.3 We will only process "sensitive personal data" about ethnic origin, political opinions, religious or similar beliefs, trade union membership, health, sex life, criminal proceedings or convictions, where a further condition is also met. Usually this will mean that you have given your explicit consent, or that the processing is legally required for employment purposes. The full list of conditions is set out in the DPA.

#### **4. How we are likely to use personal data**

- 4.1 Schools in the Trust hold personal data and uses it to support teaching and learning, monitor and report on progress and provide appropriate pastoral care. This information includes contact details, national curriculum assessment results, attendance information and personal characteristics such as ethnic group, any special educational needs and relevant medical information, and may include photographic and CCTV images as appropriate.
- 4.2 We will process data about staff for legal, personnel, administrative and management purposes in order to enable us to meet our legal obligations as an employer, for example to compensate, monitor performance and to confer benefits in connection with employment.
- 4.3 We may process sensitive personal data relating to staff including, as appropriate:
- a) Information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions related to the employee's fitness for work;
  - b) The employee's racial or ethnic origin or religion or similar information in order to monitor compliance with equal opportunities legislation;
  - c) In order to comply with legal requirements and obligations to third parties.

#### **5. Processing for limited purposes**

- 5.1 We will only process your personal data for the specific purpose or purposes notified to you or for any other purposes specifically permitted by the Data Protection Act 1988.

#### **6. Adequate, relevant and non-excessive processing**

- 6.1 Your personal data will only be processed to the extent that it is necessary for the specific purposes notified to you.

#### **7. Accurate data**

- 7.1 We will keep the personal data we store about you accurate and up-to-date. Data that is inaccurate or out-of-date will be destroyed. Please notify us if your personal details change or if you become aware of any inaccuracies in the personal data we hold about you.

#### **8. Data retention**

- 8.1 We will not keep your personal data for longer than is necessary for the purpose. This

means that data will be destroyed or erased from our systems when it is no longer required. For guidance on how long certain data is likely to be kept before being destroyed, contact the relevant Headteacher.

## **9. Processing in line with your rights**

9.1 You have the right to:

- a) Request access to any personal data we hold about you;
- b) Prevent the processing of your data for direct-marketing purposes;
- c) Ask to have inaccurate data held about you amended;
- d) Prevent processing that is likely to cause unwarranted substantial damage or distress to you or anyone else;
- e) Object to any decision that significantly affects you, being taken solely by a computer or other automated process.

## **10. Maintaining data security**

10.1 We will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

10.2 We have in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. We will only transfer personal data to a third party if the third party agrees to comply with those procedures and policies, or if they put in place adequate measures themselves.

10.3 Maintaining data security means guaranteeing the confidentiality, integrity and availability (for authorised purposes) of the personal data.

## **11. Providing information to third parties**

11.1 We will not disclose your personal data to a third party without your consent, unless we are satisfied that they are legally entitled to the data. Where we do disclose your personal data to a third party, we will have regard to the eight data protection principles.

## **12. Subject access requests**

12.1 If you wish to know what personal data we hold about you, you must make the request in writing. All such written requests should be forwarded to the relevant Headteacher.

## **13. Breaches of this policy**

13.1 If you consider that this policy has not been followed in respect of personal data about yourself or others, you should raise the matter with the relevant Headteacher. Any breach of this policy will be taken seriously and may result in disciplinary action.

## Appendix 1: Fair Processing Notices – Parents/Pupils

### Data Protection Act 1998: How we use your information

We process personal information relating to our pupils and may receive information about them from their previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service. We hold this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

Information about our pupils that we hold will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information. For pupils enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.

In addition once our pupils reach the age of 13, the law requires us to pass on certain information about them to Thurrock Council who has responsibilities in relation to the education or training of 13-19 year olds. We provide them with these pupils' names and addresses, dates of birth, name(s)/address(es) of their parent(s)/guardian(s) and any other information relevant to their role. We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them.

A parent/guardian can ask that no information apart from their child's name, address and date of birth be passed to Thurrock Council by informing their child's school. This right is transferred to the child once he/she reaches the age 16. For more information about services for young people, please go to our local authority website, [www.thurrock.gov.uk](http://www.thurrock.gov.uk).

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

We are required, by law, to pass some information about you to the Department for Education (DfE). This information will, in turn, then be made available for the use by the LA.

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at <https://www.thurrock.gov.uk/information-about-you/data-protection> or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

## Appendix 2: Fair Processing Notices – Trust employees

### The Data Protection Act 1998: How we use your information

We process personal data relating to those we employ to work at, or otherwise engage to work at, our schools. This is for employment purposes to assist in the running of the schools and to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data please visit:

- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>