

PENRYN COLLEGE

DATA PROTECTION POLICY

Approved by Governor's Finance & Premises Committee: May 2016

Responsible SLT Member: David Cunningham

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Data Protection Policy

1. Purpose

To comply with the requirements of the Data Protection Act 1988 and enable staff, parents and students to understand:

- The law regarding personal data.
- How personal data should be processed, stored, deleted / destroyed.
- How staff, parents and students can access personal data.

2. Scope

- This policy applies to all personal data held by the College. It encompasses paper records; data held on computer and associated equipment, including CCTV and biometrics, of whatever type and at whatever location, used by or on behalf of the College.
- The Data Protection Act applies to 'personal data' that is, data about a living individual who can be identified from that data, and from that data and other data held (or likely to be held) by the College.
- Personal Data covers both facts and opinions about the individual and includes information regarding the intentions of the data controller towards the individual.
- The obligations outlined in this policy statement apply to all those who have access to personal data, whether employees, governors (or other public representatives), trustees, employees of associated organisations or volunteers. It includes those who work at home or from home, who must follow the same procedures as they would in an office environment.
- Any individual who knowingly or recklessly processes data for purposes other than those for which it is intended or makes an unauthorised disclosure is liable to prosecution. All individuals permitted to access personal data must agree to comply with this policy.
- Individuals processing data on behalf of the College must comply with the eight enforceable principles of good practice which say that data must be:
 - Fairly and lawfully processed
 - Processed for limited purposes and not in any manner incompatible with those purposes
 - Adequate, relevant and not excessive
 - Accurate
 - Not kept for longer than is necessary
 - Processed in line with the data subject's rights
 - Secure
 - Not transferred to countries without adequate protection

Expanded information on each of the principles is available in Schedule 1 part 2 of the Act.

3. Responsibility

The Governing Body has overall responsibility for ensuring that records are maintained, including security and access arrangements. On a day to day basis the Governing Body designates the Director of Business Development & Operations the Data Protection Officer for the College.

4. Quality Objectives

Penryn College regards the lawful and correct treatment of personal information as very important to successful operations and to maintaining the confidence of those with whom we deal. We will always do our utmost to ensure that we comply with the Data Protection Principles as defined in the Act.

5. Policy Detail

a. Confidentiality and Security

Paper records will be managed so that access is restricted to those who need to use the information and stored in secure locations to prevent unauthorised access.

Computer systems will be designed, and computer files created, with adequate security levels to preserve confidentiality. The College E-Safety and Staff Acceptable Use policies apply in relation to password policies and the use of mobile technology within the College.

Appropriate building security measures are in place, such as alarms and patrols. Only authorised people are allowed access to personal files. Personal information will be locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification stickers whilst in the school and are, where appropriate, accompanied.

Images of people are covered by the Data Protection Act, and so is information about people which is derived from images – for example, vehicle registration numbers. Where CCTV is used we will notify people it is in use.

Personal data will only be disclosed to the data subject* and other organisations and persons who are pre-defined as notified recipients.

Personal data and college records about students are confidential to the child. The information can be shared within the professional working of the college in the educational interests of the child. Such information will be shared with other educational establishments when students change schools.

*A data subject is an individual who is the subject of the personal data or the person to whom the information relates. **Personal data** means data which relates to a living individual who is identifiable.

b. Responsibility for data

The College is responsible for the personal data that it holds. This responsibility extends to data that is processed by a third party.

The Data Protection Registration number is Z2689000 and entries for the School are available on the Information Commissioner's Office website (<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>) and for inspection by appointment with the Director of Business Development and Operations (DBDO). Any explanation of any codes and categories entered is available from the DBDO who is the person nominated to deal with Data Protection issues in the School. Registered purposes covering the data held at the College are listed on the Registration and data collection documents. Information held for these stated purposes will not be used for any other purpose without the data subject's consent.

c. Collection of data

The College will inform data subjects of the reason why the data is being collected, how long it will be kept and to whom the data may be disclosed. The College's Fair Processing or Privacy notice explains how personal data is used and with whom it will be shared. This notice is published on the College's website.

d. Accuracy of data files

The College will hold the minimum personal data necessary to enable it to perform its functions. The data will be erased once the need to hold it has passed. Every effort will be made to ensure that the data is accurate and up-to-date and that any inaccuracies, once discovered, are corrected immediately, this relates to matters of fact, not opinions. Data subjects may question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.

Where a data subject challenges the accuracy of their data, the College will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

e. Processing

All processing of personal data will comply with the Data Protection Principles as defined in the Data Protection Act 1998. In the situation where data is processed by a third party such as Cornwall Council, the third party will be required to act in a manner

which ensures compliance with the Data Protection Act 1988. Data will only be processed for the purpose for which it was collected and will not be used for additional purposes without the consent of the data subject.

f. Disclosure of information

Students can request access to his / her own data. The staff will judge whether the request is in the child's best interests and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion.

A parent can request access to or a copy of their child's college records and other information held about their child. The request must be made in writing. If a request for information is made by a parent, staff will check that no other legal obstruction (for example a court order limiting parental responsibility) is in force.

Parents should note that all rights under the Data Protection Act regarding information about their child will rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but as a broad guide, it is considered that most children will have a sufficient understanding by the age of 12. Parents are encouraged to discuss and explain any request for information with their child if they are aged 12 or over.

A member of staff can access their own records but the request must be made in writing.

The law requires that all requests for information are dealt with within 40 days of receipt except requests for educational records (see above).

Personal data must not be disclosed without the permission of the Data Subject, except where disclosures are required by law or made in connection with legal proceedings as follows:

- Where the disclosure is required by or under any enactment, by any rule of law or by the order of a court;
- Where the disclosure is necessary
 - For the purposes of or in connection with, any legal proceedings (including prospective legal proceedings) or
 - For the purposes of obtaining legal advice

Or is otherwise necessary for the purposes of establishing, exercising or defending legal rights (Section 35)

The College will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (for example letter requesting changes etc). This will enable staff to deal with a complaint if one is made in relation to the request.

- g. The College will provide on request of any individual information regarding their personal data with a statement of whether or not the College holds personal data about them. If it does hold personal data, then it will provide a written copy of the current data held about them and details of disclosures that have been made. (The information will not include associated information relating to another individual who has not given permission for a disclosure to be made).

Data may be withheld in specific circumstances defined in the Act or within other legislation. The College may also refuse to meet requests for information which the Governing Body believes to be made with undue frequency. In deciding on the nature of “undue frequency”, regard will be had to the sensitivity of the information and the frequency with which it is changed or updated.

h. Policy Statement on Data Protection

To minimise the risk of accidental misidentification or deliberate impersonation, the Director of Business Development & Operations will ask applicants (except staff and students) to supply sufficient information to enable them to be satisfied about the identities of the person making requests. Applications should be in writing or through use of the form ‘Access to Personal Data Request’ which is available if required.

i. Correction of inaccurate data

When, as a result of an enquiry, a material factual inaccuracy or omission is discovered, the personal data must be corrected or erased immediately. If the data has been disclosed to a third party, then the third party must be informed of any corrections.

6. Monitoring and review

Monitoring will be undertaken by the Finance & Premises Committee. The policy will be reviewed every three years or as legislation dictates.