

PRIORY WOODS SCHOOL AND ARTS COLLEGE
DATA PROTECTION CODE OF PRACTICE



REVIEWED BY GOVERNORS – JUNE 2017
TO BE REVIEWED – APRIL 2018

INTRODUCTION

This Code of Practice must be read in conjunction with the School's Data Protection Policy document. This document gives an introduction to some basic points of practice relating to the handling and processing of personal data at Priory Woods School. It also lists the particular activities carried out within the School's administrative and curriculum departments that involve the handling and processing of personal data.

Personal data applies to all staff, pupils and any visitors to Priory Woods School

KEY CONCEPTS

The Data Protection Act 1998 places an obligation upon the School, as a data controller, to collect and use personal data in a responsible and accountable fashion. Priory Woods School is committed to ensuring that every current employee and registered student complies with this Act to ensure the confidentiality of any personal data held by the School in whatever medium. Three key concepts to be considered are those of purpose, fairness and transparency.

PURPOSE

Data controllers can only process personal data where they have a clear purpose for doing so, and then only as necessitated by that purpose. Personal data cannot be processed for purposes that have not been defined and declared in the School's Data Protection Register entry (see Existing Notifications paragraph below).

FAIRNESS

In defining the purposes for which Priory Woods School processes personal data, the fairness of that processing must be considered. For some types of processing the required elements of fairness and legality are clearly outlined in the legislation, but for many others they are not. In such cases, Priory Woods School has tried to take a broad approach to deciding what is fair in each case, based on an interpretation of the 1998 Act and in conjunction with advice from the Information Commissioner, and on wider practice within the UK Education sector.

TRANSPARENCY

Members of staff, students and others must be able to feel that there is no intention to hide from them details of how their personal data are collected, used and distributed by the School. One of the functions of this Code of Practice is to provide that assurance.

EXISTING NOTIFICATIONS

The Act requires many data controllers to notify the Information Commissioner of the purposes for which personal data are processed, together with certain details of that processing. Those notifications are then held on a public register. Priory Woods School has one register entry that can be examined on-line at the following Web address:

<http://www.dpr.gov.uk/>.

It is an offence for the School to hold personal data that falls outside of the classes declared in these notifications or to process personal data for any purposes that are not defined there. It is therefore very important that those who work with personal data in the course of their School duties are familiar with the details contained in these notifications.

Any changes that may be required should be passed to the School's office staff as these entries are periodically reviewed and amended as necessary by the School Business Manager.

COLLECTION AND AMENDMENT OF PERSONAL DATA

COLLECTION OF PERSONAL DATA

In most cases, the personal data held by the School will be obtained directly from the data subjects themselves. The law stipulates that a data protection notice must accompany any request for personal data. Any members of staff responsible for managing the collection of personal data for the legitimate activities of the School must ensure that a notice containing the following information is included in the request for that data:

- A statement that Priory Woods School is the data controller
- The name and or job title of the specific member of staff responsible for the administration of the personal data being collected, to enable, for example, subsequent amendments to be submitted by the data subject
- A clear explanation of the types of data being collected and the purpose for which that data will be processed
- Any further information that is considered necessary to ensure that the data processing can be described as being fair, for example, details of any third parties to whom the data might be disclosed.

□ A statement making it clear that by submitting the personal data, the data subjects are giving their consent for the processing of the data for the stated purposes to take place.

AMENDMENT OF PERSONAL DATA

From time to time, data subjects will wish to update some of their personal data held by the School, for example, their home addresses or other contact details previously submitted. To do this, the data subjects must either contact the specific member of staff designated in the data protection notice at the time the data was submitted, or the appropriate Designated Data Controller. Proof of identity will be required before any amendments can be made.

SECURITY OF PERSONAL DATA

Of fundamental importance within any data protection regime is the security of the personal data that is being processed. Data subjects have the right to expect that their personal data will be kept and processed securely and that no unauthorised disclosures or transfers will take place to anyone either within or outside the School.

disclosures or transfers are those that are defined within the appropriate notifications (see above) and declared to the data subject either at the point of data collection or subsequently, the necessary consent for disclosure or transfer having been obtained if required.

To help ensure the security of personal data within School, all those involved in processing such data in the course of performing their duties are required to follow the general guidelines set out below.

SECURE STORAGE OF PERSONAL DATA

Each member of staff whose work involves storing personal data, whether in electronic or paper format, must take personal responsibility for its secure storage, in line with Priory Woods School Data Protection Policy, which states that personal data should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Ordinarily, personal data should never be stored at staff members' homes, whether in manual or electronic form, on laptop computers or other personal portable devices or at other remote sites. In cases where such off-site processing is felt to be necessary or appropriate, the agreement of the Headteacher must be obtained, and all the security guidelines given in this document must still be followed.

Staff should be aware that log files would record details of all users who access, alter or delete or attempt to access, alter or delete centrally held computerised databases and files containing personal data.

SECURE PROCESSING OF PERSONAL DATA

While staff members in the course of performing their legitimate duties are using personal data, reasonable precautions must be taken to ensure the safety and privacy of that data. For example:

- In open-plan offices, computer screens that could potentially be displaying personal data should not be positioned such that unauthorised staff may readily see that data and password-protected screensavers should be used.

□ Personal data in manual form, such as in paper files, correspondence or database printouts, should not be left in view in open-plan offices while the relevant staff members are away from their desks. They should instead be locked away or at least covered.

□ Where manual records containing personal data are accessible to a number of staff in the course of their legitimate activities, access logbooks should be used where practicable to help monitor the whereabouts and use of such records.

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THE DISCLOSURE AND TRANSFER OF PERSONAL DATA AUTHORISED AND UNAUTHORISED DISCLOSURES

Staff members working with personal data will be made aware by their line managers or other appropriate staff of the purposes for which the data is processed and the legitimate parties either within or outside Priory Woods School to whom that data, either in whole or in part, may be disclosed or transferred. Personal information must not be disclosed either orally or in writing or via Web pages or by any other means, manual or electronic, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

SECURITY OF DATA DURING TRANSFER

Where personal data is transferred between staff members within the School in the course of their legitimate activities, the level of security appropriate to the type of data and anticipated risks should be applied. For example, sensitive personal data should either be transferred by internal mail in sealed envelopes or by hand. If transferred by email, such data should normally either be encrypted or sent in a password-protected attachment (e.g. using Microsoft Word's 'require password to open' feature), with the password being supplied separately.

DISCLOSURES OUTSIDE THE SCHOOL

When a request to disclose or amend personal data relating to a member of the School (student or staff) is received from an individual or organisation outside the School, in general no data should be disclosed or amended unless the authority and authenticity of the request can be established. Disclosures requested by those claiming to be relatives or friends should be refused unless the consent of the data subject is obtained for such disclosures or in one of the few situations where disclosure without consent is permitted by the law.

Requests for the disclosure of personal data from the Police, Government bodies, the British Council or other official bodies and agencies should be investigated sufficiently to verify the authenticity of the request and may then be acted upon if there is a legal requirement for such disclosure or the consent of the data subject has been given for the disclosure.

PUBLICATION OF SCHOOL INFORMATION

While the majority of personal data held by the School is processed for internal administrative purposes and is never disclosed outside the School, some categories of data are routinely or from time to time released through one of more forms of publication.

LEGAL OBLIGATIONS

When required by law or in line with School procedures / commitments, the names of Senior Staff and School Governors may be published in School reports and on the School Web site. The School also fulfils all obligations placed upon it by its relationship with various funding bodies, Government Agencies and the like with regard to the release of 6

Personal data and statistical information concerning students and staff. Data subjects are informed of the School's obligations in this respect at the time the data is collected.

In order to meet the legitimate needs of researchers, visitors and enquirers to be able to make contact with appropriate staff, Priory Woods School intends to make available on its public Web site a list containing the job title, title, forename, surname, office telephone number and email address of each staff member. However, at the time of appointment and at any time while in the post (via request to the designated Data Controller) each individual member of staff will be able to specify the level of detail that will appear in this public list, i.e. being able to request that the following be omitted: title, forename, email address.

STAFF PERSONAL DATA ON WEB PAGES

Apart from the staff list described above, staff biographical details or other personal data may be published on Priory Woods School's Web site or in other media, but only where the staff concerned have given their consent for such information to be made publicly available. However, publication in this way does not mean that such data have been placed into the public domain. Priory Woods School retains control and copyright of such data, and the data must not be reproduced or further processed without the School's express permission.

STUDENT PERSONAL DATA ON WEB PAGES

The School will not ordinarily reveal any personal details of students enrolled at Priory Woods School to any individual or body outside the School. However, it may be that some students enrolled on certain courses may produce Web-based material containing personal data as part of their course work. In such cases, responsibility for such disclosures rests entirely with the individual students concerned and is not indicative of any School-wide policy.

RETENTION AND DISPOSAL OF PERSONAL DATA

THE RETENTION OF PERSONAL DATA

The School has a duty to retain some staff and student personal data for a period of time following their departure from the School, mainly for legal reasons, but also for other purposes such as being able to provide references and academic transcripts, or for financial reasons, for example relating to pensions and taxation. Different categories of data will be retained from different periods of time, and these are set out in the table at Appendix A.

THE DISPOSAL OF PERSONAL DATA

When a record containing personal data is to be disposed of, the following procedures will be adopted:

- All paper or microfilm documentation containing personal data will be permanently destroyed by shredding or incinerating, depending on the sensitivity of the personal data.
 - All computer equipment or media that are to be sold or scrapped will have had all personal data completely destroyed, by re-formatting, over-writing or degaussing.
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Employees and, where appropriate, students, will be provided with guidance as to the correct mechanisms for disposal of different types of personal data and audits will be carried out to ensure that this guidance is adhered to. In particular, employees and students will be made aware that erasing / deleting electronic files does not equate to destroying them.

SUBJECT ACCESS REQUESTS

All staff, students, applicants and other users have a right under the Act to access certain personal data being kept about them at Priory Woods School either on computer or in certain files. Any person who wishes to exercise this right should

make the request in writing to the Designated Data Controller, i.e. the Headteacher and / or the School Business Manager.

The School will comply with requests for access to personal information as quickly as is practicable, but will ensure that the information is provided within 40 days, as required by the Act.

Students and former students should be aware that exam scripts are exempted from the subject access rules and copies will not ordinarily be given to those who make a subject access request. However, a copy of summary of both internal and external examiners' comments can be requested as part of a subject access request. If such a request is made before the results of the examination are announced, the School will provide the information 5 months of the request being received or 40 days from the announcement of the result, whichever is the earlier, as required by the Act.

THE PROCESSING OF PERSONAL DATA WITHIN SCHOOL

Listed below are categories of activities carried out within School that involve the processing of personal data. It is the responsibility of the School to ensure that detailed guidance is given to their staff to enable them to carry out these activities in accordance with the requirements of the Data Protection Act 1998.

□ Admissions administration

□ Archives management

□ Budget planning and management activities

□ CCTV

□ Data Protection

□ Employee relations management

□ Enquiries administration

□ Estates and Facilities management and letting (cleaning contracts, etc.)

- Examination administration and marking
- Financial management and accounting
- Fundraising activities / donor administration
- Governance activities (Committees, maintenance of the Register of Interests of Governors and the Senior Leadership Team)
- Grants administration
- Health and Safety activities and administration
- Mail system administration
- Payroll administration
- Publication activities (including advertising and Web site)
- Records or monitoring in accordance with the Race Relations Amendment Act 2000
- School staff list publication (e.g. on Web page)
- Security / access control systems and records
- Staff management (including performance, appraisal and development records, leave records, expenses records, etc.)
- Staff recruitment
- Student assessment activities
- Student financial records administration
- Student records administration / student support
- Supplier / order / invoice administration
- Systems administration (email, back-up / storage, authentication, system logs, etc.)

□ Teaching activities and administration

□ Teaching performance / assessment / review activities

□ Telephone operator activities

Appendix A

Minimum Retention Periods for Records Containing Personal Data Type of Record

Minimum Retention Periods for Records Containing Personal Data Type of Record	Minimum Retention Period	Reason for Length of Period
Personnel files including training records, notes of disciplinary and grievance hearings, and appraisal forms Letters of reference	6 years from the end of employment	References and potential litigation
Application forms / interview notes	6 years from the end of employment, by the author of the reference letter At least 6 months from the date of the interviews	References and potential litigation Time limits on litigation
Facts relating to redundancies where fewer than 20 redundancies	6 years from the date of redundancy	As above
Facts relating to redundancies where 20 or more redundancies	12 years from the date of the redundancies	Limitation Act 1980
Wages and salary records	6 years	Taxes Management Act 1970
Accident books, and records and reports of accidents	For children - DOB of child + 25 years For adults - date of incident + 7 years	Social Security (Claims and Payments) Regulations 1979; RIDDOR 1985
Health Records	During employment	Management of Health and Safety at Work Regulations
Health Records where reason for termination of employment is connected with health, including stress related illness	3 years	Limitation period for personal injury claims
Medical Records kept by reason of the Control of Substances Hazardous to health Regulations 1999	40 years	The Control of Substances Hazardous to Health Regulations 1999
Ionising Radiation Records	At least 50 years after last entry	Ionising Radiations Regulations 1985
Applicant records for those who are rejected or who decline an offer	No more than 4 months after the start of the academic year	Permits School to handle enquiries from the data subject
Student records, including enquiries, applications, admissions, assessment, awards, attendance and conduct	At least 6 years from the date that the student leaves the School, in case of litigation for negligence At least 10 years for personal and academic references Certain personal data may be held in perpetuity	Limitation period for negligence Permits School to provide references for a reasonable length of time While personal and academic references may become 'stale', some data e.g. student marks, may be required throughout the student's future career. Upon the death of the data subject, data relating to him / her ceases to be personal data.
Annual Report and background papers	Current year + 6 years	Financial Regulations and Standing Orders
Budget reports / budget monitoring	Current year + 3 years	Financial Regulations and Standing Orders
Invoices / receipts and other documents covered by Financial Regulations	Current year 6 years	Financial Regulations and Standing Orders