



## 1. Introduction



The Data Protection Act 1998 (DPA 1998) establishes a framework of rights and duties which makes personal information safe. Personal information is information about a living individual, who can be identified from the information. This framework balances the legitimate needs of organisations to collect and use personal data for business and other purposes, against the right of individuals to respect for the privacy of their personal details.

**1.1** Hollinswood Primary School & Nursery is committed to protecting the privacy of individuals and handles all personal information in a manner that complies with the DPA 1998. It is the **personal responsibility** of all employees (temporary or permanent), Governors, volunteers, contractors, agents and anyone else processing information on our behalf to comply with this policy.

**1.2** Any deliberate breach of this policy could amount to a criminal offence under one or more pieces of legislation, for example the Computer Misuse Act 1990 and the DPA 1998. All breaches will be investigated and appropriate action taken.

**1.3** This policy explains what our expectations are when processing personal information. ***This policy should be read in conjunction with the Information Security Policy.***

## 2. Data Protection Principles

**2.1** The DPA 1998 is supported by a set of 8 principles, which must be adhered to whenever personal information is processed. **Processing includes obtaining, recording, using, holding, disclosing and deleting personal information.**

**2.2** The data protection principles state that personal information must be:

- Processed fairly and lawfully
- Processed for specified and lawful purposes
- Adequate, relevant and not excessive
- Accurate, and where necessary kept up to date
- Not kept longer than is necessary
- Processed in line with rights of data subject
- Protected by adequate technical and organisational measures
- Not transfer data outside of the EEA

## 3. Access and Use of Personal Information

**3.1** Access and use of personal information held by the school, is only permitted by employees (temporary or permanent), Governors, volunteers, contractors, agents and anyone else processing information on our behalf, for the purpose of carrying out their official duties. Use or access for any other purpose is not allowed. Deliberate unauthorised access to

copying, destruction or alteration of or interference with any personal information is strictly forbidden.

#### **4. Collecting Personal Information**

**4.1** When personal information is collected, for example on a questionnaire, survey or an application form, the 'data subject' (that is the person who the information is about) must be told, unless it is obvious to them:

- Which organisation(s) they are giving their information to;
- What their information will be used for;
- Who it may be shared with; and
- Anything else that might be relevant, for example the consequences of that use.

This is known as a Privacy Notice. **Also see the Privacy Notice Policy.**

**4.2** Personal information collected, must be adequate, relevant and not excessive for the purpose of the collection. A person's name and other identifying information should not be collected where anonymous information would suffice.

**4.3** If the information is collected for one purpose, it cannot then be used for a different and unconnected purpose, without the data subject's consent unless there is another lawful basis for using the information (see section 5 below). It must be made clear to the 'data subject' at the time the information is collected, all purposes their information may be used for.

#### **5. Lawful Basis for Processing**

5.1 When Hollinswood Primary School & Nursery processes personal information, it must have a lawful basis for doing so. The DPA 1998 provides a list of 'conditions' when we can process personal or 'sensitive' personal information. This is contained within Schedule 2 and Schedule 3 of the Act (**see Appendix 1**).

**5.2** The DPA 1998 defines sensitive personal information as information relating to:

- A person's racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or medical condition;
- Sexual life; and
- Criminal offences (alleged or committed).

**5.3** Whenever the school processes personal information, it must be able to satisfy at least one of the conditions in Schedule 2 of the DPA 1998 and when it processes 'sensitive' personal information; it must be able to satisfy at least one of the conditions in Schedule 3 of the DPA 1998 as well.

**5.4** The school can process personal information if it has the data subject's consent (this needs to be 'explicit' when it processes sensitive personal information). In order for consent to be valid it must be 'fully informed' which means the person giving consent must understand what they are consenting to and what the consequences are if they give or refuse consent. Consent must not be obtained through coercion or under duress and should be recorded.

## **6. Disclosing Personal Information**

**6.1** Personal information must not be given to anyone internally or externally, unless the person giving the information is fully satisfied that the enquirer or recipient is authorised in all respects and is legally entitled to the information.

**6.2** If personal information is given to another organisation or person outside of the school or Local Authority, the disclosing person must identify their lawful basis for the disclosure (see section 5 above) and record their decision. This should include;

- A description of the information given;
- The name of the person and organisation the information was given to;
- The date;
- The reason for the information being given; and
- The lawful basis.

**6.3** If an information sharing agreement or protocol exists, this should be adhered to when providing personal information to others. The agreement/protocol will provide the legal basis for disclosure.

**6.4** In response to any lawful request, only the minimum amount of personal information should be given. The person giving the information should make sure that the information is adequate for the purpose, relevant and not excessive.

**6.5** When personal information is given internally or externally, it must be communicated in a secure manner, e.g. encrypted email, special delivery or courier, etc

## **7. Accuracy and Relevance**

**7.1** It is the responsibility of those who receive personal information to make sure so far as possible, that it is accurate and up to date. Personal information should be checked at regular intervals, to make sure that it is still accurate. If the information is found to be inaccurate, steps must be taken to put it right. Individuals who input or update information must also make sure that it is adequate, relevant, clear and professionally worded.

**7.2** 'Data subjects' have a right to access personal information held about them and have errors corrected. More information about a 'data subject's' rights can be found in Section 9 of this policy.

## **8. Retention and Disposal of Information**

**8.1** Hollinswood Primary School & Nursery holds a large amount of personal information. The DPA 1998 requires that we do not keep personal information for any longer than is necessary. Personal information should be checked at regular intervals and deleted or destroyed securely when it is no longer needed, provided there is no legal or other reason for holding it.

**8.2** The Retention Schedule must be checked before records are disposed of, to make sure that the prescribed retention period for that type of record is complied with. Alternatively, advice should be sought from the School Business Manager.

## **9. Individuals Rights**

**9.1** Individuals have a number of rights under the DPA 1998. These include:

- The right to access personal information held about them (this is known as a Subject Access request - SAR);
- The right to prevent their information being used in a way which is likely to cause damage or distress;
- The right to compensation for any damages as a result of their information not being handled in accordance with the DPA 1998; and
- The right to have inaccurate or misleading information held about them corrected or destroyed.

**9.2** The school has 40 calendar days in which to respond to a SAR, provided the applicant has put their request in writing by completing a subject access request form, a £10.00 fee has been paid and suitable identification has been supplied. Information Governance processes all SAR requests. **See Appendix 2** for a copy of the SAR form. **Also see subject access request procedure and log form.** It is essential that all SARs are recorded.

**9.3** A SAR may be received for a variety of information. Examples are parent's wanting to obtain their child's educational records, behaviour records or medical records. Staff could also make a SAR to obtain information the school holds about them. For further information, see the School Business Manager before processing any information.

**9.4** When the school receives a SAR it should include all information that is held on that individual. This includes hand written notes, emails, employee files. For further information, contact the School Business Manager.

**9.5** The individual has a right to appeal if they feel they have not received the information that they expected. They should do so by stating the reasons for their appeal to:

Head Teacher  
SAR Appeals

Hollinswood Primary School & Nursery  
Dale Acre Way  
Hollinswood  
Telford  
Shropshire  
TF3 2EP

The appeal will be carried out by the Head Teacher and have Governor involvement.

## **10. Reporting Security Incidents**

**10.1** Hollinswood Primary School & Nursery has a responsibility to monitor all incidents that occur within the organisation that may breach the security and/or the confidentiality of its information. All incidents need to be identified, reported, investigated and monitored. It is only by adopting this approach that the school can learn from its mistakes and prevent losses re-occurring.

**10.2** Specific procedures have been developed for the reporting of all information security incidents and weaknesses. It is designed to make sure that all relevant information is communicated correctly so that timely corrective action can be taken. The documents below need to be read, understood and followed:

➤ **Information Security Breach Procedure – under policies on intranet**

**10.3** All employees (permanent, temporary and external users) must be aware of the procedures and obligations in place for reporting the different types of incidents and weaknesses which may have an impact on the security of the school's information.

## **Appendix 1**

### **Schedule 2 Conditions – Personal Data**

1. Data subject gives consent to processing
2. Processing is necessary to perform a contract or, at the request of the subject, with a view to taking out a contract
3. Processing is necessary to carry out a legal obligation
4. Processing is necessary to protect the vital interests of the subject
5. Processing is necessary for:
  - The administration of justice
  - The exercise of any functions conferred on any person by an enactment
  - Administration of any functions of the Crown or Minister of the Crown or a government department
  - Any functions of a public nature exercised in the public interest by any person
6. Data must be necessary for the legitimate interests pursued by the data controller, or third parties to whom the data is disclosed unless this will prejudice rights and freedoms or legitimate interests of the data subject.

### **Schedule 3 Conditions – Sensitive Data**

1. Data subject gives explicit consent to processing
2. Processing is necessary for the purposes of exercising or performing any right or obligation which conferred or imposed by law on the data controller in connection with employment
3. Processing to protect the vital interests of the data subject or another person
4. Processing carried out in the course of its legitimate interest by anybody or association
5. Data required for or in conjunction with any legal proceedings, obtaining legal advice, or otherwise defending legal rights
6. For the administration of justice, any function conferred by an enactment or the function of the Crown, a Minister of the crown or a government department
7. Data required for medical purposes and is undertaken by health professionals
8. The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals

**Data Protection Act 1998**

**Right of Access to Personal Data**

**Subject Access Request Form**



**DATA PROTECTION ACT 1998 - SUBJECT ACCESS REQUEST FORM**

**Information**

**A fee of £10.00 (the current statutory maximum under the Data Protection Act 1998) is payable for each application for information. Please enclose a cheque or postal order made payable to Hollinswood Primary School & Nursery with this completed form. We must respond to your request within 40 calendar days. However, this period does not start until:**

- a) We are satisfied about your identity**
- b) You have provided enough detail to locate the information you are seeking**
- c) You have provided the £10.00 fee**

Please complete the following sections of this form providing as much information as possible to help us deal with your request.

**1. Provide details of the person about whom the school is holding data (the Data Subject)**

Full Name (Print)

\_\_\_\_\_

Present Address:

Previous Address (if less than 3 years at your present address):

Post Code:

Post Code:

Telephone Number

\_\_\_\_\_

Email address

\_\_\_\_\_

**2.** Are you requesting information about yourself (person referred to in question 1)? If **YES**, then go to question 3. If **NO** please complete the following:

Full Name (Print)

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Present Address:

Post Code:

Telephone Number:

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Email address:

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Relationship with data subject and brief explanation as to why you are requesting this information rather than the data subject:

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*\*\*If you are acting on behalf of the data subject you will need to enclose their written authority including a signature or other legal documentation (e.g. power of attorney) to confirm this request. You also need to enclose evidence of your identity and that of the data subject (see section 4 for details of acceptable identity)\*\**

**3.** Please provide a clear description of the information that you are requesting, including details of which school areas (if known) it might be held by, dates, any reference numbers given to you like payroll, account numbers or client numbers and any additional information which will enable us to locate it.

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**4. Please provide **two** pieces of evidence of your identity (**one containing a photo**).**

Acceptable types of documents used to verify your identity are detailed below.

<b>Driving Licence</b>	<b>Passport</b>	<b>National ID Card</b>	<b>Medical Card</b>	<b>Utility Bill</b>
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You may wish to send your documents special/recorded delivery. Your proof of identity will be returned to you securely after verification.

**5. All information in respect to your request will be sent to you via special delivery unless alternative arrangements are made. We may require further evidence of your identity if you collect your information from school premises.**

**6. Declaration**

To be completed by all applicants. Please note that any attempt to mislead the school may lead to prosecution.

I (insert name)

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Certify that the information given on this application form and any attachments therein to Hollinswood Primary School & Nursery is accurate and true.

I understand that it is necessary for the School to confirm my identity and it may be necessary to obtain more information in order to locate the correct information.

Signature

\_\_\_\_\_

Date

\_\_\_\_\_

## 7. Return of the Form

Please return your completed form together with your £10.00 fee and any associated documents to:

Head Teacher - SAR Appeals  
Hollinswood Primary School & Nursery  
Dale Acre Way  
Hollinswood  
Telford  
Shropshire  
TF3 2EP

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