

Lucton School



Data Protection Policy

From May 2020

We understand the importance of maintaining your privacy, keeping your personal information secure and complying with data protection laws.

We are the data controller of any personal information you provide to us. This means that we are responsible for complying with data protection laws. This privacy policy describes what personal information we may collect from you, why we use your personal information and more generally the practices we maintain to keep your data safe, together with your rights regarding your data.

COMPASSION • COURAGE • INITIATIVE • INTEGRITY • RESPONSIBILITY • RESPECT

Statement of Intent

The Governors have overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Governors and Headteachers of the School intend to comply fully with the requirements and principles of the Data Protection Act 1984 and the Data Protection Act 1988. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

Enquiries

Information about the School's Data Protection Policy or the Pupil Privacy Policy is available from the School Office and further copies are available on the website. General information about the Data Protection Act and GDPR can be obtained from the Information Commissioner's Office (website www.ico.org.uk).

Fair Obtaining and Processing

Lucton School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subject's right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

“processing” means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

“data subject” means an individual who is the subject of personal data or the person to whom the information relates.

“personal data” means data, which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.

“parent” has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

Registered Purposes

The Data Protection Registration entries for the School are available for inspection, by appointment, at the School Office, Lucton School, Lucton HR6 9PN (eg the School Office). Explanation of any codes and categories entered is available from the Bursar, who is the person nominated to deal with Data Protection issues in the School. Registered purposes covering the data held at the school are listed on the School's 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.

How and why does the School collect personal information?

The school would be unable to fulfil the contract to you and would also not be able to meet the legal requirements to provide data to the DfE without being provided with significant personal data, which is not just relating to the pupil, but also includes data relating to the parents. Admissions forms give us lots of personal information. We get information from you, your parents/guardians, your teachers and other pupils. Your old school also gives us information about you so that we can teach and care for you.

Sometimes we get information from your doctors and other professionals where we need this to look after you.

We collect this information to help the School run properly, safely and to let others know what we do here. Here are some examples:

- We need to tell all staff if you are allergic to something or might need extra help with some tasks.
- We use CCTV to make sure the School site is safe. CCTV is not used in private areas such as changing rooms. The School CCTV policy states that the Objectives of the CCTV are:
 - to protect the School and its buildings and other assets
 - to increase personal safety and reduce the fear of crime
 - to deter criminals from targeting the School
 - to support the Police in a bid to deter and detect crime
 - to assist in identifying, apprehending and prosecuting offenders
 - to protect members of the public and private property within the grounds
 - to assist in managing and running the School
 - to promote good behaviour, via the pupil disciplinary process if necessary.
- We may need to report some of your information to the government. For example, we may need to tell the local authority that you attend the School or let them know if we have any concerns about your welfare.
- If you are from another country we have to make sure that you have the right to study in the UK. We might have to provide information to UK Visas and Immigration who are part of the government.
- Depending on where you will go when you leave us we may need to provide your information to other schools and universities or potential employers. For example, we may share information about your exam results and provide references. We may need to pass on information which they need to look after you.
- When you take public examinations (e.g. GCSEs) we will need to share information about you with examination boards.
- We may need to share information with the police or our legal advisers if something goes wrong or to help with an inquiry. For example, if one of your classmates is injured at the School or if there is a burglary.
- We may share some information with our insurance company to make sure that we have the insurance cover that we need.
- We may share your academic and your behaviour records with your parents or guardian so they can support your schooling via the parent portal, or directly through telephone, email or letter.

- We will only share your information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.
- We will monitor your use of email, the internet and mobile electronic devices e.g. iPads. This is to check that you are not misbehaving when using this technology or putting yourself or others at risk of harm. If you would like more information about this you can read the “Policy on the Acceptable Use of ICT and E-safety” or speak to your Boarding Staff or Form Tutor.
- We may use photographs or videos of you for the School's website and social media sites or prospectus to show prospective pupils what we do here and to advertise the School. We may also approve the use of photographs or videos by the Old Luctonians Association so that developments can be publicised. We may continue to use these photographs and videos after you have left the School.
- Sometimes we use photographs and videos for teaching purposes, for example, to record your drama lessons.
- We may provide photographs or videos of you to the School's overseas schools for their publicity, but we would obtain your consent before we do this. If you have any concerns about the use of photographs and videos please speak to your Form Tutor or Boarding Staff.
- We publish our public exam results, sports fixtures and other news on the School website and on social media, and put articles and photographs in the local news to tell people about what we have been doing.
- We publish examination results in the local newspapers and educational press but we will only include grades achieved by specific pupils, with their permission, in the form of profiles of those achieving exceptional results.
- We may keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the School.
- We may keep details of your address when you leave so we can send you the Luctonian magazine and find out how you are getting on. We may also pass your details onto the Old Luctonian Association. Further information on the OLA association can be found on the School's website.

Data Integrity

The School undertakes to ensure data integrity by the following methods:

Data Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances, their computer record will be updated as soon as is practicable. A printout of their data record will be provided to data subjects every twelve months so they can check its accuracy and make any amendments.

Where a data subject challenges the accuracy of their data, the School 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 Governors 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.

Data Adequacy and Relevance

Data held about people will be adequate, relevant and not excessive in relation to the purpose for which the data is being held. In order to ensure compliance with this principle, the School will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. *(The Bursar will oversee an annual check on records for irrelevant data and is responsible for what must be deleted).*

Length of Time

Data held about individuals will not be kept for longer than necessary for the purposes stated. It is the duty of the Bursar to ensure that obsolete data are properly erased.

Subject Access

The Data Protection Acts extend to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves, it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the School's policy is that:

- Requests from pupils will be processed as any subject access request as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request.
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers.
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

Processing Subject Access Requests

Requests for access must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form. Completed forms should be submitted to the Bursar. Provided that there is sufficient information to process the request, an entry will be made in the Accident/Incident/Injury Access log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (eg Student Record, Personnel Record), and the planned date of supplying the information (normally not more than 40 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be the date on which sufficient information has been provided.

Note: In the case of any written request from a parent regarding their own child's record, access to the record will be provided within 15 school days in accordance with the current Education (Pupil Information) Regulations.

Authorised Disclosures

The School will, in general, only disclose data about individuals with their consent; however, there are circumstances under which the School may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations.
- Pupil data disclosed to authorised recipients in respect of their child's welfare, health and, safety.
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school.
- Staff data disclosed to relevant authorities eg in respect of payroll and administrative matters.
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of contracting companies, for example our MIS vendor, are contractually bound not to disclose personal data.
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the School by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the School who **needs to know** the information in order to do their work. The School will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

A “**legal disclosure**” is the release of personal information, in whatever form, to someone who requires the information to do his or her job within or for the school, provided that the purpose of that information has been registered.

An “**illegal disclosure**” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the School's registered purposes.

Data and Computer Security

Lucton School undertakes to ensure security of personal data by the following general methods:

Physical Security

Appropriate building security measures are in place, such as alarms, lockable cabinets, lockable office doors, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the server rooms. Disks, tapes, other Data storage devices and printouts are locked away securely when not in use. Visitors to the School are required to sign in and out, to wear identification badges whilst in the School and are, where appropriate, accompanied.

Software Security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (ie security copies are taken) regularly.

Procedural Security

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement within their contracts. All staff are trained in their Data Protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Overall security policy for data is determined by The Senior Management Team and is monitored and reviewed annually, and when/if a security loophole or breach becomes apparent. Further guidance on the School's Security arrangements may be obtained from the Bursar or be found as appropriate in the Staff Handbook.

In order that Lucton School can be confident that our suppliers of cloud-based services such as our website and management information system, contracts have been amended to ensure their total compliance with the GDPR legislation.

Individual members of staff can be personally liable in law under the terms of the GDPR and Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as a disciplinary matter, and serious breaches could lead to dismissal.

You have significant rights regarding any misuse of your private data. The school will not transfer your details to third parties except in connection with delivery of services you have agreed to use, e.g. Exam boards, Ski Trip provider. For the data the school holds and uses, the school justifiably requires it to provide the service and we do not rely upon consent as the legal basis for data gathering. The main exception being the use of data for maintaining contact once the pupil has left the school. Legal and insurance requirements oblige the school to retain data for many years after the pupil leaves, but with the exception of any obligatory contact (DfE, Police, etc.) you will

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need to opt-in to continue to receive the Luctonian Magazine or any other communications from the school or OLA after leaving. You also have the right to subsequently revisit such decisions relating to consent (in either direction) at any time in the future.

Any queries or concerns about security or the use of data should in the first instance be referred to the Bursar. If you are not satisfied with the school's response, you may take your concerns to the Information Commissioner's Office.

Elmien Niblett and John Goode
25 April 2020
Next review April 2021