



## Data Protection Policy

Last reviewed: January 2017

This document applies to all academies and operations of the Vale Academy Trust.

The following related document(s) can be found on the Trust's website: [www.vale-academy.org](http://www.vale-academy.org)

- Data Protection Privacy Notice

Document Control			
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## **Introduction**

All academies and operations of the Vale Academy Trust (referred to collectively in this document as “the Trust”), gather and use certain types of personal information about staff, pupils, parents/guardians and other individuals who come into contact with the Trust in order to provide education and associated functions. The Trust may also be required by law to collect and use certain types of information to comply with statutory obligations. This includes CCTV images which may be used to capture material for security and safety purposes.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act 1998 (referred to in this document as the “DPA”) and other related legislation. It applies to information regardless of the way it is recorded, stored and used, and whether it is held in paper files or electronically.

The Trust is registered as a ‘Data Controller’ with the [Information Commissioners Office](#), under registration number ZA229118

The DPA states that everyone responsible for using data has to follow strict rules called ‘data protection principles’. They must make sure the information is:

1. Used fairly and lawfully
2. Used for limited, specifically stated purposes
3. Used in a way that is adequate, relevant and not excessive
4. Accurate
5. Kept for no longer than is absolutely necessary
6. Handled according to people’s data protection rights
7. Kept safe and secure
8. Not transferred outside the European Economic Area without adequate protection

The Trust is committed to maintaining these principles at all times. This means that we will:

1. Inform parents as to the purpose of collecting any information from them, as and when they ask for it
2. Be responsible for checking the quality and accuracy of the information, and regularly review our records to ensure information is not held longer than is necessary
3. Ensure that when information is authorised for disposal it is done appropriately
4. Ensure appropriate security measures to safeguard personal information whether that is held in paper files or on our computer systems
5. Share personal information with others only when it is necessary and

legally appropriate to do so, ensuring that pupil names are replaced with unique pupil numbers in the records before the data is transferred

6. Set out clear procedures for responding to requests for access to personal information (known as 'Subject Access Requests' and covered later in this document).

### **Personal Data and Sensitive Personal Data**

'Personal data' is information that identifies an individual. A sub-set of personal data is known as 'sensitive personal data', which is information relating to race, ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health, sexual life or the commission of any offence. Sensitive personal data is given special protection.

The Trust does not intend to seek or hold sensitive personal data about individuals except where we have been notified of the information, or it comes to our attention, via legitimate means (for example, through a formal grievance process), or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Individuals are under no obligation to disclose to the Trust their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and/or parenthood needed for other purposes - for example, pension entitlements may be indicative of some aspects of sexual life).

The DPA applies to all computerised data and manual files if they come within the definition of a relevant filing system. Broadly speaking, this means that they are readily searchable and it is easy to locate personal data within them.

### **Use of Personal Data by the Trust**

It is required under the DPA that the personal data held must only be used for specific purposes allowed by law. The personal data held by the Trust applies to staff, pupils, parents/guardians and other individuals who come into contact with the Trust staff. For pupils this includes contact details, assessment and examination results, attendance information, special educational needs and photographs and may hold information about characteristics such as ethnic group and any relevant medical information.

The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the Trust as a whole is doing, together with any other uses normally associated with this provision in an education environment.

The Trust may make use of limited personal data (such as contact details) relating to pupils, their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils, but only where prior consent has been obtained.

In particular, The Trust may:

1. transfer information to any association society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the Trust;
2. make use of photographs of pupils in Trust publications and on Trust websites;
3. disclose photographs and names of pupils to the media (or allow the media to take photographs of pupils) for promotional and congratulatory purposes where a pupil may be identified by name when the photograph is published e.g. where a pupil has won an award or has otherwise excelled;
4. keep the pupil's previous education provider informed of his/her academic progress and achievements e.g. sending a copy of the reports for the pupil's first year at the academy to their previous education provider.

Photographs with names identifying pupils will not be published on any of the Trust's websites without the express permission of the appropriate individual. If parents wish to limit or object to any use of personal data, the headteacher of the relevant academy should be notified in writing. Parents who do not want their child's photograph or image to appear in any of the promotional material, or be otherwise published, must also make sure their child knows this.

Pupils, parents and guardians should be aware that where photographs or other image recordings are taken by family members or friends for personal use, the DPA will not apply. For example, where a parent takes a photograph of their child and some friends taking part in an academy sports day.

### **Security of Personal Data**

The Trust will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this Policy and their duties under the DPA. The Trust will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

### **Exemptions that Allow Disclosure of Personal Data to Third Parties**

There are a number of exemptions in the DPA that allow disclosure of personal data to third parties, and the processing of personal data by the Trust and its employees, which would otherwise be prohibited under the DPA. The majority of these exemptions only allow disclosure and processing of personal data where specific conditions are met, namely:

1. the data subjects have given their consent;
2. for the prevention or detection of crime;
3. for the assessment of any tax or duty;

4. where it is necessary to exercise a right or obligation conferred or imposed by law upon the Trust (other than an obligation imposed by contract);
5. for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
6. for the purpose of obtaining legal advice;
7. for research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress); and
8. where it is necessary to disclose the information for a legitimate interest the Trust or the third party to whom the disclosure is made.

### **Disclosure of Personal Data to Third Parties**

The Trust may receive requests from third parties (i.e. those other than the data subject, the Trust and its employees) to disclose personal data it holds about pupils, their parents or guardians. This information will not generally be disclosed unless one of the specific exemptions under the DPA which allow disclosure applies; or where necessary for the legitimate interests of the individual concerned or the Trust.

The following are the most common reasons the Trust may have for passing personal data to third parties:

1. to give a confidential reference relating to a pupil;
2. to publish the results of public examinations or other achievements of pupils;
3. to disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of academy trips;
4. to provide information to another educational establishment to which a pupil is transferring;
5. to provide information to the an examination authority as part of the examinations process; and
6. to provide the relevant Government department concerned with information relating to their functions as a regulator.

The Department for Education uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them.

Any wish to limit or object to any use of personal data by third parties, except as stated above, should be notified to the headteacher of the relevant academy in

writing, or to the requesting third party (the contact details for which can be supplied by the Trust).

Where the Trust receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

### **Confidentiality of pupil concerns**

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the Trust will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the Trust believes disclosure will be in the best interests of the pupil or other pupils.

### **Subject Access Requests (and how to make one)**

Under the DPA, anyone who makes a request to see their file or their child's file or other personal data held on them is making a 'Subject Access Request'. All information relating to the individual can be considered for disclosure, and this could include information held in day books, diaries and electronic systems as well as emails.

Where a child or young person does not have sufficient understanding to make his or her own request, a person with parental responsibility can make a request on their behalf. The headteacher of the relevant academy must, however, be satisfied that:

1. the child or young person lacks sufficient understanding; and
2. the request made on behalf of the child or young person is in their interests.

The Trust will only grant a pupil access to their personal data if, in the relevant academy's reasonable belief, the pupil understands the nature of the request. It is generally accepted that by the age of 12 a child can be expected to have sufficient maturity to understand the nature of the request.

Any individual, including a child or young person with ownership of their own information rights may appoint another person to request access to their records. In such circumstances, the headteacher of the relevant academy must have written evidence that the individual has authorised the person to make the application and the headteacher must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

A person who has parental responsibility for a child who does not have sufficient understanding to make their own Subject Access Request, may make a request for that child's personal information. In such circumstances, the relevant academy will need to be satisfied that the individual making the request does have the necessary parental responsibility, and that the request is in the interests of the child.

Access to records will be refused in instances where an exemption in the DPA applies. For example, where information sharing may place a child at risk of significant harm or jeopardise police investigations into an alleged offence(s).

**A Subject Access Request must be made in writing to the Trust's 'Freedom of Information & Data Protection Team', either by email:**

[InformationTeam@vale-academy.org](mailto:InformationTeam@vale-academy.org)

**Or you can send a letter addressed to:**

***Freedom of Information & Data Protection Team  
Vale Academy Trust  
Portway  
Wantage  
OX12 9BY***

The Trust is obliged to respond within 40 calendar days of receipt of a Subject Access Request.

The identity of the requestor must be established before the disclosure of any information. Unless the requestor is already known (for example, to an academy headteacher) then evidence of identity may need to be established by production of a current Passport or Driving Licence (photo card) together with at least two of the following:

- Utility bill with current address
- Birth / Marriage certificate
- P45/P60
- Credit card, bank or mortgage statement

Under the DPA, an individual only has the automatic right to access information about themselves. Where the request is for information about a son or daughter, the Trust may ask for proof of relationship. In addition, the Trust may ask for any further information reasonably required to fulfil the Subject Access Request.

Where a Subject Access Request is made by a pupil, the headteacher of the relevant academy will have responsibility for ensuring the pupil's welfare is appropriately considered and will make use of exemptions under the DPA as appropriate.

All files will be reviewed before any disclosure takes place. Access will not be granted before this review. Where all the data in a document cannot be disclosed, a permanent copy will be made and the data obscured, or retyped if this is more sensible. A copy of the full document and the altered document will be retained by the Trust, with the reason why the document was altered.

If an individual discovers that information which the Trust holds in relation to them is inaccurate or out of date, they should write to the relevant headteacher or to the Trust, setting out the inaccuracy, and the accurate position. This information will be corrected where the Trust is in agreement that the previous information was inaccurate.

If the Trust disagrees that the information is inaccurate, it will discuss the matter with the individual, but the Trust has the right to maintain the original information. If the individual is unhappy with this outcome they have the right to instigate the appropriate procedure.

### **Educational records**

Academies are not required to provide educational records if a parent requests it, as the Education (pupil information) Regulations 2005, which places this obligation on maintained schools, does not apply to academies. The Trust may choose to comply but parents no longer have a legal right to this information.

The Independent School Standards Regulations which applies to academies by virtue of their funding agreement, states that the standard about provision of information is met if the academy trust ensures that an annual written report of each registered pupil's progress and attainment in the main subject areas taught, is sent to the parents of that registered pupil.

### **Exemptions to Access by Data Subjects**

Confidential references given, or to be given by the Trust, are exempt from access. The Trust will therefore treat as exempt any reference given by them for the purpose of the education, training or employment, or prospective education, training or employment of any pupil, member of staff, director, governor or volunteer.

It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of



the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.

Examination scripts, i.e. information recorded by pupils during an examination, are exempt from disclosure. However, any comments recorded by the examiner in the margins of the script are not exempt even though they may not seem of much value without the script itself. Examination marks do not fall within an exemption as such.

However, the 40 calendar day compliance period for responding to a request is extended in relation to examination marks to either five months from the day on which the Trust received the request or 40 calendar days from the announcement of the examination results, whichever is the earlier. Where a claim to legal professional privilege could be maintained in legal proceedings, the information is exempt from disclosure unless the privilege is waived.

### **Repeated Requests for Access to Records**

Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, the DPA allows for access to be refused when the applicant has made repeated requests for information already provided.

### **Charging**

If a pupil or parent requests information which does not form part of the educational record, the maximum fee which can be charged is £10 and must not exceed the cost of supplying the information. This also applies to a staff member requesting to see their personnel or other relevant records.

### **Advice from the ICO**

Detailed information on data protection and your rights under the law are available from the Information Commissioner's Office:

Web: <https://ico.org.uk/>

Helpline: 0303 123 1113

**Contacts**

If you have any comments, concerns or questions in relation to this document, please email the Trust's 'Freedom of Information & Data Protection Team':

[InformationTeam@vale-academy.org](mailto:InformationTeam@vale-academy.org)

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**To learn about the Trust's academies and operations, please visit:**

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