



Benson Community School

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Data Protection Policy

Introduction

- a. Benson Community School needs to keep certain information about our employees, pupils and other users to allow us, for example, to monitor performance, achievement, and health and safety.
- b. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, we must comply with the Data Protection Principles which are set out in the Data Protection Act 1998.
- c. In summary these principles state that personal data shall:
 - i. Be obtained and processed fairly and lawfully.
 - ii. Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose.
 - iii. Be adequate, relevant and not excessive for that purpose.
 - iv. Be accurate and kept up to date.
 - v. Not be kept for longer than is necessary for that purpose.
 - vi. Be processed in accordance with the data subject's rights.
 - vii. Be kept safe from unauthorised access, accidental loss or destruction.
- d. All staff who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the School has developed this Data Protection Policy. This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the School from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

This policy should be used in conjunction with the school's **Acceptable Use of Technology Policy and E-Safety Policy**.

Responsibilities

All staff are responsible for:

- i. Checking that any information that they provide to the School in connection with their employment is accurate and up to date.
- ii. Informing the School of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The School cannot be held responsible for any errors unless the staff member has informed the School of such changes.



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iii. Handling all personal data (eg – pupil attainment data) with reference to this policy.

Data Security

- a. All staff are responsible for ensuring that:
 - i. Any personal data that they hold is kept securely.
 - ii. Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- b. Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.
- c. Personal information should:
 - i. Be kept in a filing cabinet, drawer, or safe in a secure office, or;
 - ii. If it is computerised, be password protected both on a local hard drive and on a network drive that is regularly backed up; and
 - iii. If a copy is kept on a usb memory key or other removable storage media, that media must itself be password protected and/or kept in a filing cabinet, drawer, or safe.

Data Checking

- a. The school will issue regular reminders to staff and parents to ensure that personal data held is up-to-date and accurate.
- b. Any errors discovered would be rectified and, if the incorrect information has been disclosed to a third party, any recipients informed of the corrected data.

Data Disclosures

- a. Personal data will only be disclosed to organisations or individuals for whom consent has been given to receive the data, or organisations that have a legal right to receive the data without consent being given.
- b. When requests to disclose personal data are received by telephone it is the responsibility of the school to ensure the caller is entitled to receive the data and that they are who they say they are. It is advisable to call them back, preferably via a switchboard, to ensure the possibility of fraud is minimised.
- c. If a personal request is made for personal data to be disclosed it is again the responsibility of the school to ensure the caller is entitled to receive the data and that they are who they say they are. If the person is not known personally, proof of identity should be requested.



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- d. Requests from parents or children for printed lists of the names of children in particular classes, which are frequently sought at Christmas, should politely refused as permission would be needed from all the data subjects contained in the list.
- e. Personal data will not be used in newsletters, websites or other media without the consent of the data subject.
- f. Routine consent issues will be incorporated into the school's pupil data gathering sheets, to avoid the need for frequent, similar requests for consent being made by the school.
- g. Personal data will only be disclosed to Police Officers if they are able to supply a WA170 form which notifies of a specific, legitimate need to have access to specific personal data. This form is the agreed procedure between Birmingham City Council and all police forces.
- h. A record should be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.

Subject Access Requests

- a. If the school receives a written request from a data subject to see any or all personal data that the school holds about them this should be treated as a Subject Access Request and the school will respond within the 40 day deadline.
- b. Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and the school will comply with its duty to respond within the 40 day time limit.
- c. This policy will be included in the school's Staff Handbook.
- d. Data Protection statements will be included in the school prospectus and on any forms that are used to collect personal data.

Retention of Data

- a. The School has a duty to retain some staff and pupil 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. Different categories of data will be retained for different periods of time. Please refer to the Information Commissioners Office (ICO) retention schedule for specific details.

Next Review Date.....