

Introduction

In order to carry out its statutory, academic and administrative functions, St Faith's must collect and process personal information relating to its employees, pupils and their parents and/or guardians, suppliers and other individuals with whom it deals. The School takes the confidentiality of all personal information very seriously and takes all reasonable steps to comply with the principles of the Data Protection Act 1998. It is the School's objective only to collect personal information necessary to meet specifically planned, agreed and necessary purposes, and to retain that information no longer than is necessary. Staff and pupils may access their own current records and are invited to correct any inaccuracies contained therein.

Full details of the School's registration under the Data Protection Act can be found on the Data Protection Register website (www.ico.org.uk) under the registration number Z976867X. Ordinarily, the School will not pass on details of past or present students, pupils, parents or staff to any third party, save where required by law or statutory obligations, or when the data subject has given authority to do so. However, data will be transferred to organisations closely allied to the School, e.g. the Old Fidelian Society, the SFPA.

In this policy, any reference to 'staff' includes any individual who might apply to work, does work or has worked for St Faith's School, and/or any of its associated organisations – currently Leysec, and volunteers including parents and those who are involved in the running of the SFPA or the Old Fidelian Society and individuals who come to the School on work experience placements. Reference to 'students' or 'pupils' includes prospective, current and past students and pupils.

The School necessarily processes certain information about its students and pupils and their parents, staff and other people to allow it to monitor employment history, performance, achievements, pupil academic records and achievements and exam results, health and safety, etc. It is also necessary to process information so that staff can be recruited and paid, courses organised, and legal obligations to government and others complied with. This personal data may include (but it is not limited to) names and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks. To comply with the law, information (as defined by the Data Protection Act) must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, the School shall so far as is reasonably practicable comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act 1998 to ensure all data is:

- Fairly and lawfully processed;
- Processed for a lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and kept up-to-date
- Not kept for longer than necessary to its purpose
- Processed in accordance with the data subject's rights;
- Secure, so that it is not at risk of unauthorised or unlawful processing nor of loss or destruction or damage
- Not transferred outside the European Economic Area without an adequate level of protection being ensured in that country.

All School staff and others within the School who process or use any personal information must ensure that they follow these principles at all times and follow the guidance and instructions contained in this policy document. Any breach of these Principles or of the School's Data Protection Policy can have very serious and harmful consequences. Accordingly, while this policy does not form part of the formal contract of employment, it is a condition of employment that employees shall adhere to the Principles and abide by the requirements of this

policy. Any breach of this policy may lead to disciplinary action and in serious cases may be regarded as gross misconduct.

The Governors have the ultimate authority for Data Protection within the School, but the Bursar has been designated Data Controller and is responsible for the day-to-day management of Data Protection within the School.

Certain data is exempt from the right of access under the Data Protection Act. This may include, for example, information which:

- Identifies other individuals;
- The School reasonably believes is likely to cause damage or distress;
- Is subject to legal professional privilege;
- Is given for the prevention or detection of crime;
- Is given to enable the assessment of any tax or duty;
- Is necessary to exercise a right or obligation conferred or imposed by law upon the School.

If anyone on whom the School holds information believes that this policy has not been followed in respect of personal data about themselves, they should raise the matter initially with the Bursar who is the designated Data Controller. If the matter is not resolved it may be taken further by following the School Grievance Procedure. Similarly, if anyone believes that the correct policies are not being followed with regard to another individual's personal information, the facts should be reported to the Bursar.

Rights and Responsibilities

Advice to Data Subjects

All staff and all students and pupils and their parents are responsible for:

- Checking that all information they provide to the School in connection with their employment or course of study is accurate and up to date;
- Promptly informing the School of any changes to that information;
- Checking personal information sent out by the School from time to time;
- Informing the School of any errors or changes. The School cannot be held responsible for any errors unless the individual concerned has informed the School of them.

Staff Responsibilities

If and when, as part of their duties, staff collect information about other people, (e.g. about students' course work, opinions as to ability, references from other academic institutions, or details of personal circumstances), they must comply with the requirements of the section headed 'Data Security' below.

Student, Pupil and Parent Obligations

Students, pupils and their parents must ensure that all personal data provided to the School is accurate and up to date. They must ensure that all changes, e.g. address, telephone number, medical information, etc. are notified to the School without delay.

Accuracy

The School will endeavour to ensure that all personal data which it holds is accurate. Individuals must notify the Bursar, as Data Controller, of any changes to information held about them. An individual has the right to request that inaccurate information about them be erased or corrected.

Data Security

All members of the staff are responsible for ensuring that:

- Any personal data which they hold is kept securely;
- Personal information is not disclosed orally, in writing or by any other means, either accidentally or otherwise to any unauthorised third party. This includes, for example, home telephone numbers.

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

Personal information:

- Must be kept in a secure environment;
- Must be password protected if it is computerised;
- If kept only on a removable disc or pen drive, this must only be stored on a school issued encrypted storage device.

Rights to Access Information

Students, pupils and their parents, staff of the School and other data subjects have the right of access to any personal data that is kept about them either on computer or in a structured file. To access it they must make a Subject Access Request. Any person who wishes to exercise this right should apply to the Bursar in writing, completing the necessary form and enclosing the correct fee.

An individual may wish to be notified about the categories of information being held about them by the School. This request must also be made in writing as above. Subject Access Requests will be dealt with as quickly as possible, but certainly within the stipulated 40 days (or such longer period as specified under the Data Protection Act) from receipt of the request and the payment of the correct fee.

In accordance with the Data Protection Act, the School may charge an administration fee of not more than £10.00 for responding to each Subject Access Request

Whose Rights

The rights under the Data Protection Act are the individual's to whom the data relates. The School will however in most cases rely on parental consent to process data relating to pupils unless, given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted. As a general rule children over 12 may be expected to make reliable decisions regarding their personal information but the School will only grant the pupil direct access to personal data if in the School's reasonable belief the pupil understands the nature of the request.

Pupils agree that the School may disclose their personal data to their parents or guardians.

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

Subject Consent

In most cases, the School will process personal data with the tacit consent of the individual concerned. However, express consent must be obtained when dealing with sensitive personal data. Sensitive personal data is defined as:

- Racial or ethnic origin;
- Political opinions;
- Religious or other beliefs of a similar nature;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life
- Offences (including alleged offences);
- Criminal proceedings outcomes and sentences.

An agreement that the School may process some specified classes of personal data is a condition of employment for staff. This includes information about previous criminal convictions. Failure to provide information, or the provision of deliberately misleading information in this respect may result in the withdrawal of employment, or an offer of employment.

All employment at the School brings employees into contact with children. The School has a duty under the Children Act and other enactments to ensure that staff are suitable for their employment and do not pose a threat or danger to themselves or to others or, in particular, to the children in the School's care. The School takes steps to meet this responsibility, including requiring all staff and prospective staff to undergo an Enhanced Disclosure.

Prospective staff may be asked for information about particular health issues, such as allergies to particular forms of medication, or any conditions such as asthma or diabetes. The School will only use this information in the protection of the health and safety of the individual. Students, pupils and/or their parents on their behalf will be asked about their particular health needs or disabilities, in order that the School can assess what, if any, special facilities or adjustments are required and make sure that within the limits of reasonableness, appropriate support is in place. Refusal or failure to provide such information, or the provision of false or misleading information, can result in the offer of employment or of a pupil place being withdrawn.

Staff, volunteers, suppliers and contractors and their employees may be asked questions about their health, criminal convictions, ethnicity and gender. This is to ensure that the School is a safe place for everyone, or to comply with other policies such as sick pay or equal opportunities policies. Because this information is considered sensitive, and it is recognised that the processing of it may cause particular concern or distress to individuals, staff and students will be asked to give express consent to the School to do this.

Disclosure of Information

The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies, such exemptions including where disclosure is for the prevention or detection of crime or where confidential information is passed to the school in advance of a forthcoming publication date. However the School does intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.

- To publish the results of public examinations or other achievements of pupils of the School.
- To disclose details of a pupil's medical condition where it is in the pupil's interest to do so, for example for medical advice, insurance purposes or to organisers of school trips.
- To meet the requirements of the Data Controller of the ContactPoint national database which is planned to contain limited information about every child in England.

Where the School 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.

Use of Personal Information by the School

The School will, from time to time, make use of personal data relating to pupils, their parents or guardians

- To make use of photographic images of pupils in School publications and on the School website. However the School will not publish photographs of individual pupils with their names on the School website without the express agreement of the appropriate individual.
- For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact with pupils or for fundraising, marketing or promotional purposes.

Parents are invited to deregister their children from this use of personal information if they wish by appropriately completing the form distributed by the Registrar in advance of a child's first term in the school. A subsequent election may be made in writing to the Registrar, either to opt out or to opt back in.

Examination Results

Pupils are entitled to receive assessment and examination results. The provision of these may take longer than the provision of other information; the Data Protection Act specifies appropriate time limits. The School may not withhold examination results, but may withhold an award or the provision of references in the event that debts are owed to the School by the pupil or his/her parent(s) or guardian(s).

Retention of Data

Some information on pupils will be held indefinitely, for example to enable positive identification of pupils and accurate references to be written. Such information will include but may not be limited to:

- Name;
- Date of birth;
- Gender;
- Nationality;
- Academic achievements, including marks for coursework and in examinations;
- Other achievements and activities while at the School
- One or more photographs

Basic personal information on all staff will be held for no more than 7 years, with all but basic information being held for no more than 2 years after the staff member has left the employment of the School.

N L HELLIWELL
Headmaster