

## Data Protection Procedures Policy

All Kings' policies will be ratified by the Board of Directors and signed by the Chairperson. Each policy will be co-signed by the principal of each school. Review dates will be similar for each school.

| <b>Coordinator</b> | <b>Nominated Director</b>           | <b>Chair of Board of Directors</b> |
|--------------------|-------------------------------------|------------------------------------|
| <b>PRINCIPAL</b>   | <b>DIRECTOR OF COLLEGE SERVICES</b> | <b>NIGEL PAMPLIN</b>               |

We believe this policy relates to the following legislation (click on the link below to access information):

- [EC Convention on Human Rights and Fundamental Freedoms 1950](#)
- [Rehabilitation of Offenders Act 1974](#)
- [Data Protection Directive 95/46/EC](#)
- [Asylum and Immigration Act 1996](#)
- [Employment Rights Act 1996](#)
- [Data Protection Act 1998](#)
- [Human Rights Act 1998](#)
- [Public Interest Disclosure Act 1998](#)
- [Freedom of Information Act 2000](#)
- [Regulation of Investigatory Powers Act 2000](#)
- [Telecommunications \(Lawful Business Practice\) Regulations 2000](#)
- [Protection of Freedoms Act 2012](#)

The following documentation and online guidance is also related to this policy (click on the link below to access information):

- [Guide to Data Protection \(ICO – Information Commissioner's Office\)](#)
- [Data Protection – The Employment Practices Code \(ICO\)](#)

For the purposes of this policy, data is defined (as detailed in the Data Protection Act 1998) as information that:

- a) is being processed by means of equipment operating automatically in response to instructions given for that purpose [information held on a computer or intended to be held on a computer],
- b) is recorded with the intention that it should be processed by means of such equipment [information held on a computer or intended to be held on a computer],
- c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system, [non-automated records that are structured in a way which allows ready access to information about individuals i.e. paper personnel or student files]
- d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68,
  - a health record that consists of information about the physical or mental health or condition of an individual, made by or on behalf of a health professional in connection with the care of that individual;
  - an educational record that consists of information about a pupil, which is held by a local education authority or special school; or
  - an accessible public record that consists of information held by a local authority for housing or social services purposes.
- e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d).

We believe that personal data covered by the Data Protection Act 1998 includes the school admission register, attendance registers, students' curricular records, assessment data, class lists, reports to parents, students' disciplinary records, school personnel files, school financial information, school strategic and school improvement plans, recorded CCTV footage, students' family and home contact details, records of contractors and suppliers and records of students entering public examinations.

For the purposes of this policy, data *processing* is defined (as detailed in the Data Protection Act 1998) as:

Processing, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including –

- a) organisation, adaptation or alteration of the information or data,
- b) retrieval, consultation or use of the information or data,
- c) disclosure of the information or data by transmission, dissemination or otherwise making available, or
- d) alignment, combination, blocking, erasure or destruction of the information or data.

We will ensure that under the Data Protection Act 1998 all school personnel are able to access their personal data that is held about them. We believe it is our duty to respond to any request of access within 40 days.

We will ensure a student's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

We aim to fulfil our obligations under the Data Protection Act 1998 and to protect the right of school personnel and students to privacy in line with the Act.

## **Aims**

- To allow all school personnel their right to have access to their personal data.
- To allow all parents their right of access to their child's records.
- To protect all school personnel's right to privacy in line with the Data Protection Act 1998.
- To protect all students right to privacy in line with the Data Protection Act 1998.

## **Responsibility for the Policy and Procedure**

### **Role of the Board of Directors**

The Board of Directors has:

- the responsibility to comply with the legal requirements of the Data Protection Act 1998;
- the responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998;
- delegated powers and responsibilities to the Principal as 'Data Controller' for the school;
- delegated powers and responsibilities to the Principal to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- nominated the Director of College Services to visit the school regularly, to liaise with the Principal and to report back to the Board of Directors;
- responsibility for the effective implementation, monitoring and evaluation of this policy

### **Role of the Principal**

The Principal will:

- act as 'Data Controller' for the school;
- ensure the school complies with the Data Protection Act 1998 and the eight data protection principles;
- ensure all data is processed fairly and lawfully;
- ensure security measures and confidential systems are in place to protect personal data and student records;
- ensure data is obtained for specific and lawful purposes;
- ensure data is adequate, relevant and not excessive;
- ensure all personal data is accurate and that inaccurate data is corrected or erased;
- ensure procedures are in place to deal with requests for access to personal data;
- ensure data is not kept longer than is necessary;
- ensure school personnel are aware of their rights;



- ensure school personnel are aware of their responsibilities;
- ensure a student's educational records will be made available to their parents or carers on receipt of a written request within 15 school days;
- make effective use of relevant research and information to improve this policy;
- work closely with the Director of College Services;
- provide leadership and vision in respect of equality;
- provide guidance, support and training, where necessary, to all staff;
- monitor the effectiveness of this policy;
- annually report to the Board of Directors on the success and development of this policy

### **Role of the Director of College Services**

The Director of College Services will:

- work closely with the Principal;
- ensure this policy and other linked policies are up to date;
- ensure that everyone connected with the school is aware of this policy;
- annually report to the Board of Directors on the success and development of this policy

### **Role of School Personnel**

School personnel will:

- comply with all aspects of this policy;
- be aware of all other linked policies;
- follow the safe and confidential system procedures that are in place to protect personal data and student records;
- apply in writing for access to their personal data;
- comply and respect confidentiality of personal information at all times but especially when involved with interviewing new school personnel;
- provide accurate and up to date personal information;
- inform the school of any changes to their personal data
- 

### **Data Protection Principles**

Personal data must:

- be processed lawfully;
- be obtained and processed for specific and lawful purposes;
- be sufficient, appropriate and not excessive in relation to the precise purpose;
- be accurate and up to date;
- not be kept for a great length of time;
- be processed in agreement with the individual's legal rights;
- be protected against unlawful processing, accidental loss, destruction or damage;
- not be transferred outside the EU unless the rights and freedom of the individual is protected

### **Security Measures**

We will ensure that computers and servers comply with all up to date Government regulations and are secure with:

- anti-virus software;
- fire wall software;
- passwords

Please note: passwords should be changed regularly to ensure security

All school personnel are asked to:

- be discreet and confidential;
- consider the safe and secure positioning of computers;
- back up data;
- lock/password protect computers when not in use;
- remember password access;
- lock filing cabinets and doors to offices;
- shred confidential material;
- clear their desk before they leave school



CCTV footage, personnel records and sensitive/personal student data:

- shall only be accessible to and processed by those staff who the Principal deems appropriate to do so;
- shall be stored securely and only accessible to those deemed appropriate

### **Removal or Use of Personal Data Off-Site**

At times it may be necessary for personal data to be taken or accessed off-site, i.e. for use by emergency phone holders, those dealing with student transfers or taking students on off-site activities and excursions etc. Where this is the case:

- every effort should be taken to protect the security of the information;
- data should not be left unattended at any time;
- data should not be disclosed to anyone other than Kings' staff or those with authorisation by the school (i.e. taxi-transfer drivers, host carers etc);
- where data is accessed on a computer or similar device, password protection should be in place;
- where data is in paper format it should be kept by the individual responsible for that information at all times and when not in use held in a secure place, i.e. locked away;
- staff should endeavour, where possible, to only take the minimum amount of data required to do their work;
- once paper or electronic records/data are no longer required, they should be returned to school and either kept securely or disposed of appropriately

### **Disclosure of Data**

Personal data cannot be disclosed to a third party without the consent of the individual except when it is legally required.

### **Requests for Access to Data**

All requests from school personnel for access to their data must be made in writing on headed note paper and sent to the data controller (Principal) or an appointed representative.

### **Rights of Individuals**

Individuals have rights to:

- know when their data is being processed, the reason it is being processed and the name of the person or organisation requesting the information;
- prevent processing which could be harmful to them or others;
- be given a copy of the information comprising their data; and given details of the source of the data (where this is available and where no exemption applies);
- prevent the processing of their performance management records;
- go to court to prevent inaccurate data being used;
- be compensated if a data controller contravenes the Data Protection Act;
- stop data being processed for direct marketing

Individuals are not entitled to:

- copies of references provided by Kings to another body or organisation;
- examination results until they have been released

### **Grievance Procedure**

Any member of the school personnel who disputes any aspect of their personal data with the Data Controller has the right to take up the matter under the school's formal grievance procedures.

### **Rights of Parents, Carers and Students**

Student's educational records will be made available to their parents or carers on receipt of a written request within 15 school days.

Students may also request access (in writing) to their educational records.



## **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the school website
- the Staff Handbook
- meetings with school personnel
- Principal reports to the Board of Directors

## **Student Consultation**

We wish to consult our students and to hear their views and opinions as we acknowledge and support [Article 12 of the United Nations Convention on the Rights of the Child](#) that children should be encouraged to form and to express their views.

Student consultation is integral to our process of regular self-evaluation and continuous improvement and will take place in a variety of ways.

The methods will include:

- A Student Forum/ Student Council (which will meet regularly and also be consulted by the Principal)
- An appointment system and means of contact with the Principal and key staff members
- Operating an 'open door' policy in school whenever possible
- Student Questionnaires (on a variety of matters relating to the school and/or and social issues)
- Open Class discussion (on a variety of matters relating to the school and/or and social issues)
- Suggestion Box (allowing anonymity if desired)

Every effort is made to provide a variety and range of consultation methods to all students. Every student who attends a course at Kings will be encouraged and given the opportunity to provide feedback on every aspect of school life during their stay with us.

A separate policy exists for student consultation which explains these processes in more detail.

## **Monitoring the Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Principal and the nominated Director.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Board of Directors for further discussion and endorsement. (See Policy Evaluation)

## **Linked Policies**

- Kings Equality Policy
- Kings E-Safety Policy
- Kings HR Policy Manual - Grievance Procedures



## Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

| This policy affects or is likely to affect the following members of the school community (✓) |   | Students   | School Personnel | Parents/ carers | Directors              | School Visitors | Wider School Community |                    |   |
|--|---|------------|------------------|-----------------|------------------------|-----------------|------------------------|--------------------|---|
|  |   | ✓          | ✓                | ✓               | ✓                      | ✓               | ✓                      |                    |   |
| Question   | Protected Characteristics   |            |                  |                 |                        |                 |                        | Conclusion         |   |
| Does or could this policy have a negative impact on any of the following?                    | Age   | Disability | Gender           | Gender identity | Pregnancy or maternity | Race            | Religion or belief     | Sexual orientation | Undertake a full EIA if the answer is 'yes' or 'not sure' |
| <b>YES</b>   |   |            |                  |                 |                        |                 |                        |                    | <b>Yes</b> <b>No</b>                                      |
| <b>NO</b>  | ✓   | ✓          | ✓                | ✓               | ✓                      | ✓               | ✓                      | ✓                  | ✓   |
| <b>UNSURE</b>  |   |            |                  |                 |                        |                 |                        |                    |   |
| Does or could this policy help promote equality for any of the following?                    | Age   | Disability | Gender           | Gender identity | Pregnancy or maternity | Race            | Religion or belief     | Sexual orientation | Undertake a full EIA if the answer is 'no' or 'not sure'  |
| <b>YES</b>   | ✓   | ✓          | ✓                | ✓               | ✓                      | ✓               | ✓                      | ✓                  | <b>Yes</b> <b>No</b>                                      |
| <b>NO</b>  |   |            |                  |                 |                        |                 |                        |                    | ✓   |
| <b>UNSURE</b>  |   |            |                  |                 |                        |                 |                        |                    |   |
| <b>Conclusion</b>  | We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required. |            |                  |                 |                        |                 |                        |                    |   |



Annual Policy Review Sheet - Appendix A:

| Review Date | Primary Reviewer Name (Policy Coordinator) |
|-------------|--|
|             |  |

This Appendix A should be completed **annually** by the Policy Coordinator and Principal with specific details of each individual Kings college.

|  |        |
|--|--------|
| <b>Date of Last Review:</b>  |        |
| <b>Date of Next Review:</b>  |        |
| <b>Is this policy being implemented fully, with all outlined procedures followed as prescribed?</b>  | YES/NO |
| <b>If this policy is not being implemented fully, as prescribed, please outline what you have put in place instead and the reasons behind the change...</b>  |        |
|  |        |
| <b>How are staff made aware of this policy?</b>  |        |
|  |        |
| <b>Does this policy require any specific/specialised training for staff, if yes please specify what it is and whether it has been done?</b>  |        |
|  |        |
| <b>Monitoring the Effectiveness of the Policy</b>  |        |
| <b>The information in this policy and appendix will be reviewed annually by the Principal, or when the need arises, and the necessary recommendations for improvement will be made by the Principal to the Board of Directors.</b> |        |
| <b>Please comment on the overall effectiveness of this policy – giving any suggestions or recommendations for improvement...</b>   |        |
|  |        |



|                                     |                   |              |  |
|-------------------------------------|-------------------|--------------|--|
| <b>Coordinator:</b>                 |                   | <b>Date:</b> |  |
| <b>Principal:</b>                   |                   | <b>Date:</b> |  |
| <b>Chair of Board of Directors:</b> | <i>Nigel Paul</i> | <b>Date:</b> |  |
| <b>Name of School:</b>              |                   |              |  |
| <b>Next Review Date:</b>            |                   |              |  |

