

The Bellbird Primary School



Children's Personal Information Policy

December 2020

(To be reviewed Summer 2022)

## Introduction

The Bellbird Primary School will process personal data (which may be held on paper, electronically, or otherwise) about our children and we recognise the need to treat it in an appropriate and lawful manner, in accordance with the Data Protection Act 1998 (DPA) and the new General Data Protection Regulations 2018 (GDPR). The purpose of this policy is to make you aware of how we will handle children's personal data.

Data users are obliged to comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary action.

The Headteacher is responsible for ensuring compliance with the DPA and GDPR in this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Headteacher.

## Definitions

Data is information which is stored electronically, on a computer, or in certain paper-based filing systems (e.g. child's buff folder).

Data subjects for the purpose of this policy include all children on roll at our school and for whom we hold personal data. All data subjects have legal rights in relation to their personal information.

Personal data means data relating to a child who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (for example, a name and address or date of birth) or it can be an opinion about that person, their actions and behaviour.

Data controllers are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection and General Data Protection Regulations requirements.

Data users are those of our employees whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.

Data processors include any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.

Processing is any activity that involves the use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring data to third parties.

Sensitive personal data includes information about a child's physical or mental health and safeguarding.

## Data Protection Principles

Anyone processing personal data must comply with the eight enforceable principles of good practice. These provide that personal data must be:

- a) Processed fairly and lawfully.
- b) Processed for limited purposes and in an appropriate way.
- c) Adequate, relevant and not excessive for the purpose.
- d) Accurate.
- e) Not kept longer than necessary for the purpose.
- f) Processed in line with data subjects' rights.
- g) Secure.
- h) Not transferred to people or organisations situated in countries without adequate protection.

## General Data Protection Principles

GDPR can be summarised as six principles of how organisations should use Personal Data

Personal Data should be

- a) Processed fairly, lawfully and in a transparent manner
- b) Used for specified explicit and legitimate purposes
- c) Used in a way that is adequate, relevant and limited
- d) Accurate and kept up to date
- e) Kept no longer than is necessary
- f) Processed in a manner that ensures appropriate security of the data.
- g) Processing Information

Personal Data can only be process if there is a legal basis for doing so. GDPR lists six lawful bases for process data

CONSENT, CONTRACT, LEGAL OBLIGATION, VITAL INTERESTS, PUBLIC TASKS, LEGITIMATE INTERESTS.

We will process data about our children for administrative, legal and safeguarding purposes and to enable us to meet our statutory obligations.

We will ensure that personal data we hold is accurate and kept up to date. We will check the accuracy of any personal data at the point of collection and at regular intervals afterwards. We will destroy or amend inaccurate or out-of-date data.

## Purposes of Information and Length of Time Retained

Personal data will be held as indicated in the school's Information Asset Register. We will not keep personal data longer than necessary for the purpose or purposes for which they were collected. We will destroy or erase from our systems all data which is no longer required. See: .Privacy Notice

## Disclosure of Information

All disclosures of personal data on our children can only be given with permission from the Headteacher

As per the Data Protection Act, the personal data of children is owned by the child. However, should a parent request access to personal data on their child, the Headteacher will determine if explicit consent of the child is needed and / or appropriate.

### Access to Personal Files

Parents are entitled to know if the School holds information about them and must make a formal written request for information we hold about them addressed to the Headteacher.

Information which would disclose the identity of a third person is exempt from access, unless the consent of the source is available or it is reasonable in all the circumstances to comply with the subject access request without the third party's consent under section 7 of the DPA. Personal data may be exempt for other reasons under the DPA.

Subject Access Requests (SAR) for access to personal data will be dealt with within ONE MONTH of receipt of sufficient information to process the request

The records being requested by a SAR will only be handed over in-person, to the requestor of the SAR, at the school premises. The Headteacher may request and retain a copy of photo ID of the recipient to ensure their identity.

### Data Subjects and the rights of the individual.

Under GDPR there are increased rights of individuals over the information that is held about them.

Subject rights are:

The RIGHT	to be informed
The RIGHT	of access
The RIGHT	to rectification
The RIGHT	to erasure
The RIGHT	to restrict processing
The RIGHT	to data portability
The RIGHT	to object

### Standards of Security

The School will determine and maintain an appropriate level of security (and back-up) for its premises, equipment, network, programs, data and documentation, and will ensure that access to them is restricted to appropriate staff.

### Training

All new and existing employees who handle personal data will receive training on data protection and GDPR procedures, which includes information about the standards the School expects its employees to observe in the use of personal data.

## References

The Governing Body will comply with DfE guidance on references as amended from time to time in particular in relation to safeguarding children and safer recruitment in education.

## Review of Policy

We reserve the right to change this policy at any time. Where appropriate, we will notify data subjects of those changes by mail, email and/or staff notice board.

## Appendix 1 – Retention of Documents

Document	Period of retention
All child's records	Transferred to next school – once they have been added to the school roll. etc posted or taken by hand CTF transfer for electronic data Reports
Safeguarding documents	Photocopied – originals sent to next school by recorded delivery. Once receiving school confirm, documents may be shredded. Documents may be retained if there are siblings remaining at School.-
Child's records should they move abroad	Records are archived, recorded with LA, retained in school.

## Appendix 2 Copy of a model letter to parent

date

Dear (name of parent),

Your subject access request ("SAR") dated ??? re:

Name of parent

Name of child and date of birth

As requested in your letter dated XXXXX we have prepared copies of the records and are consequently contacting you to arrange collection of the records.

In complying with this request we have had due regard to the Subject Access Code of Practice ("the Code"). We note that:

You are someone with parental responsibility for (name of child) and you are fully entitled to see (name of child) Education Record. This is supplied to you in full as part of your SAR;

You have made a SAR in respect of a third person (name of child) and are therefore not automatically entitled to see all the information that we hold about him/her even though you have parental responsibility for him/her;

In deciding which elements of his/ her data we will release to you we have considered the following elements of the Code:

"Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong to anyone else, such as a parent or guardian. So it is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them" (

We do not believe (name of child) is old enough to understand the implications of his/her subject access rights which would therefore fall to you to exercise. In doing so, we have had regard to the Code in deciding whether to release elements of (name of child)'s data to you. The relevant factors are:

the nature of the personal data;  
any court orders relating to parental access or responsibility that may apply;  
any consequences of allowing those with parental responsibility access to the child's or young person's information..." (p.12)

We have taken in to consideration the following known factors which relate to your personal circumstances:

On this basis we therefore consider the entire contents of (Name of child's) Child Protection file will not be made available to you under your SAR.

If you are not satisfied with our response you can complain to the Information Commissioner's Office at:

Information Commissioner's Office,  
Wycliffe House, Water Lane,  
Wilmslow, Cheshire SK9 5AF

Or by phone on 0303 123 1113

All other information that we hold on both (Parent) and (Name of child) will otherwise be made available to you.

Please inform the School Office of how you wish to collect the records before (date)

Yours sincerely,

Headteacher