



DATA PROTECTION FOR PUPILS' POLICY

Introduction

There has been a continuing increase in requests for access to pupil files, both by parents and by the pupils direct. Often these requests arise in potentially contentious circumstances, and so the School has developed a data protection policy that applies to data it holds relating both to parents and pupils. There will often be an issue as to whether pupil data should be released to parents and also the circumstances in which it should be released direct to pupils without reference to their parents. All requests must, therefore, be passed to the Bursar or the Headmaster and only the Headmaster may send out a reply to such a request. He will do this on behalf of the School's Governors.

There are a number of ways in which the School may process data relating to pupils and their parents and this policy deals with the majority of situations that will arise during a pupil's education. However, it will always be appropriate to consider obtaining specific consents where there is any doubt as to the appropriateness of disclosure or the processing of the data concerned.

Examination scripts are expressly excluded from disclosure under the Data Protection Act. However there is no such exclusion for examiners' comments and the School's staff should be aware that these will be disclosable.

PUPIL DATA PROTECTION POLICY

General Statement of the School's Duties

The School is required to process relevant personal data regarding pupils and their parents and guardians as part of its operation and shall take all reasonable steps to do so in accordance with this policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this policy any reference to pupils includes current past or prospective pupils.

Data Protection Officer

The School has appointed the Bursar as the Data Protection Officer who will endeavour to ensure that all personal data is processed in compliance with this policy and the Principles of the Data Protection Act 1998.

The Principles

The School shall so far as is reasonably practicable comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed;
- Processed for a lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and up-to-date;
- Not kept for longer than necessary;
- Processed in accordance with the data subject's rights;
- Secure;
- Not transferred to other countries without adequate protection.

Personal Data

Personal data covers both facts and opinions about an individual. The School may process a wide range of personal data of pupils, their parents or guardians as part of its operations. This personal data may include (but is not limited to) names and addresses, bank details, academic matters, disciplinary, admissions and attendance records, references, examination scripts and marks.

Processing of Personal Data

Consent may be required for the processing of personal data unless the processing is necessary for the School to undertake its obligations to pupils, their parents or guardians. Any information which falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this policy.

Sensitive Personal Data

The School may, from time to time, be required to process sensitive personal data regarding a pupil, their parents or guardians. Sensitive personal data includes information and data relating to racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, membership of a trade union, physical or mental health or condition, sexual life, commission or alleged commission of any offence or any related proceedings.

Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will generally be required in writing.

Rights of Access

Individuals have a right of access to information held by the School. Any pupil, or parent acting on their behalf wishing to make a subject access request for personal data, should put their request in writing to the Bursar. Subject to the School receiving the appropriate administration fee, the School will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 15 school days for a request which includes wholly or partly the educational record (see below for what comprises the educational record) and all other subject access requests within 40 days. These time limits commence from the date the administration fee has been paid.

The School will charge an administration fee for providing this information. Appendix 1 to this policy details the current administration fee structure.

The educational record covers information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the School's governing body. It may also include information from the child and from a parent. Information provided by the parent of another child would not form part of a pupil's educational record.

Certain data is exempt from the right of access under the Data Protection Act, this may include information which identifies other individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts, but the examiner's comments are disclosable.

The School will also treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.

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.

The School will grant the pupil direct access to their personal data if in the School's reasonable belief the pupil understands the nature of the request. As the School is a primary school and as a general guide, a child under the age 12 is unlikely to be mature enough to understand the request they are making. It is unlikely that most of the School's pupils will be deemed to have such an understanding. However every subject access request should be considered carefully.

Where a pupil raises a concern confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents 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 their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.

Exemptions

There are situations where access to information may be withheld by the School:

(i) The Data Protection Act contains a number of exemptions when information may be withheld, these include:

- information which might cause serious harm to the physical or mental health of the pupil or another individual;
- cases where the disclosure would reveal a child is at risk of abuse;
- information contained in adoption and parental order records;
- information given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
- copies of examination scripts; and
- providing examination marks before they are officially announced.

(ii) Unstructured personal information.

The School will generally not be required to provide access to information held in an unstructured way. The Act limits the action which the School must take in respect of a subject access request for personal information held manually and in a completely unstructured way. This information is distinguished from personal information held in highly or partly structured files such as teaching staff's own records with sections for different classes and pupils, which are disclosable. If a subject access request covers unstructured information the School is entitled to ask for a description of the information to help it find the information. The School does not have to supply the information nor confirm whether or not it exists, if it would cost more than £450 to do either of these things.

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 will not generally disclose such information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However the School will 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 interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

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 in the undermentioned ways.

- 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 without the express agreement of the appropriate individual; and
- 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 development, fundraising, marketing or promotional purposes.

Should a parent or guardian wish to limit or object to any such use they should notify the Bursar in writing.

Accuracy

The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPO of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

Security

The School 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 Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

Enforcement

If an individual believes that the School has not complied with this policy or acted otherwise than in accordance with the Data Protection Act, they should notify the Bursar.

Reviewed:	Headmaster
Date:	December 2017
Next Review Date:	March 2018

Administration Fee Structure

1. If the request is for other information excluding the educational record then the maximum charge is £10.
2. If a pupil or a parent acting for a pupil makes a subject access request of personal information containing in whole or part, the educational record, the amount that can be charged depends on the number of pages provided as follows:-

Number of Pages	Maximum Fee (£)
1-19	1
20-29	2
30-39	3
40-49	4
50-59	5
60-69	6
70-79	7
80-89	8
90-99	9
100-149	10
150-199	15
200-249	20
250-299	25
300-349	30
350-399	35
400-449	40
450-499	45
500 and over	50

3. If a parent exercises their independent right simply to view the educational record, then this should be free of charge, but if a copy of the educational record is supplied a fee can be charged which must not exceed the cost of supplying the information. It should be noted that this right of access is different from that as noted in paragraph 1 above where the parent is making a subject access request on behalf of their child, whereas under this paragraph 3, they are making the request for themselves.