

**CENTRAL
ACADEMY TRUST**

**DATA PROTECTION POLICY
MARCH 2013**

For Review in July 2015

Key Purpose and Objectives

This policy outlines the responsibilities of employees who deal with sensitive personal data as part of their duties.

For the purposes of this policy the term employee should be taken to mean both those engaged under a contract of employment and a more broader definition which includes any representative of the Central Academy Trust (the Trust), whether paid or unpaid who is performing an activity on behalf of the Trust and who has access to the Trust's IT systems

The aim of this policy is to manage organisational risks when data is used for both business and personal use, and to ensure that its use is acceptable to avoid bringing the Trust into disrepute. It forms part of the Trust policies on communication and use of IT.

Key Responsibilities

Although this policy refers to employees throughout, the Trust is aware of its wider responsibilities to provide a positive working environment for all who work on Academy premises.

The Trust takes the confidentiality of all personal information particularly seriously and consequently takes all reasonable steps to comply with the principles of the Data Protection Act 1998, and subsequent guidance issued by the Office of the Information Commissioner. The Trust aims to collect personal information only in order to meet specific legitimate purposes, and to retain that information only for as long as those purposes remain valid. Ordinarily, the Trust will not pass individualised personal information to any third party unless given the data subject's permission.

Data includes anything that can be attributable to an individual irrespective of format and e.g. includes still and moving images, audio recordings etc. The Trust has entered into a contract with the parents/carers of children applying as pupils, or, potential employees, in addition to current or previous pupils and employees.

Where the Trust collaborates with external partners and agencies it has a responsibility to ensure that they are also legislatively compliant.

Individuals are personally accountable for their behaviour and may be held liable for any breaches of this policy. All individuals who work on Academy premises, including agency, contract workers and volunteers are expected to adhere to the Trust's policy on data protection.

Policy and Legislative Connections

1. Links to other Academy/Trust policies:

This policy links to the following:

- Freedom of Information Policy

2. Links to Legal requirements:

The Trust will adhere to its obligations under the legislation relevant to the use and monitoring of electronic communications, which are predominantly the Regulation of Investigatory Powers Act 2000; the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000; the Communications Act 2003; Data Protection Act 1998; the Human Rights Act 1998; the Defamation Act 1996 and the Equality Act 2010

Review Cycle	Every two years
Next Review	July 2015
Distribution	All Staff

Executive Summary

The Trust takes the confidentiality of all personal information particularly seriously and consequently takes all reasonable steps to comply with the principles of the Data Protection Act 1998, and subsequent guidance issued by the Office of the Information Commissioner. The Trust aims to collect personal information only in order to meet specific legitimate purposes, and to retain that information only for as long as those purposes remain valid. Ordinarily, the Trust will not pass individualised personal information to any third party unless given the data subject's permission (e.g. bank references), or, where required by law, statutory obligations or legitimate purposes balanced against the rights and interests of the data subject.

It is a requirement of the Freedom of Information 2000 Act that all Registered Bodies must have a written policy on the correct handling and provision of information and to produce and publish a Publication Scheme (available on the Academy Website). It also obliges Registered Bodies to ensure that they meet requests for information without infringement of Data Protection and other information legislation.

Principles

1.1 General principles

- Central Academy Trust will comply fully with the Information Commissioner's Codes of Practice (DPA 1998 & FOI 2000) regarding the correct handling, use, storage, retention and disposal of Personal and Sensitive Information (as defined by the DPA), and, of Public Information (as defined by the FOI Act).
- The Trust will be transparent re the data collected – some is explicit such as data collected on enrolment and recruitment forms – others can be less so such as CCTV surveillance.
- Staff and Pupil inductions will be used to explain the variety and formats of data collected, how they are used and processed according to the eight principles of good practice.
- Pupil enrolment, the signing of staff contracts, contractual agreements with third parties are considered to be express consent to collect, collate, store and utilise data. Data collected includes photographs, CCTV surveillance outputs, as well as a wide range of alphanumeric data e.g. registered pupil attendances and staff training records.

1.2 Processing Information according to the eight principles of good practice

Information will:

- be obtained and processed fairly and lawfully as specified by the Data Protection Principles
- be obtained for specified and lawful purposes and not be processed in any manner incompatible with that process
- be adequate, relevant and not excessive for those purposes
- be accurate and kept up to date
- not be kept for longer than is necessary for that purpose
- be processed in accordance with the data subject's rights
- be kept safe from unauthorised access, accidental loss or destruction
- not be transferred to a country outside the European Economic area, unless that country has equivalent levels of protection for personal data

1.3 Processing personal information fairly

At least one of the following conditions must be met for personal information to be considered fairly processed:

- the individual has consented to the process
- processing is necessary for the performance of a contract with the individual
- processing is required under a legal obligation (other than one imposed by the contract)
- processing is necessary to protect the vital interests of the individual
- processing is necessary to carry out public functions e.g. the administration of justice
- processing is necessary to pursue the legitimate interests of the data controller or third parties unless it could unjustifiably prejudice the interests of the individual)

The Trust therefore considers that it has implicit permission to process personal and sensitive staff data (contract of employment) and personal sensitive pupil data and necessary data referring to the pupil's family and or other personal care and support situation.

1.4 Protecting the Rights of a Data Subject

The Trust will ensure compliance with:

- the Data Subject's right to see information held about them (pupils from the age of 12 are normally considered competent to access information in their own right without parental involvement).
- the Data Subject's right to refuse us permission to use information if it causes them distress
- the Data Subject's right to seek compensation if they suffer distress or damage in the way information about them is used
- the Data Subject's right to challenge inaccurate information and have it corrected
- the Data Subject's right to not to have their details used for marketing purposes such as new learning opportunities at the Trust or its partners.

1.5 Storage and access

- Personal and sensitive hard copy information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.
- The security of digitised and computer-based information will also be maintained. Business related personal sensitive data will only be kept on laptops or other portable devices when protected by encryption software.
- The Trust takes no responsibility for non-Trust related personal sensitive data that has been stored onto Trust owned portable storage device.

1.6 Usage

Information will only be used for the specific purpose for which it was requested and for which the data subject's full consent has been given. Access will be limited to those Trust Employees, partners and agencies that have a legitimate purpose and requirement to utilise.

1.7 Retention

The Trust will not keep information for any longer than is necessary. Time will vary e.g. pupil data used to access government funding must be kept for a period of seven years. There are requirements to keep Employee Health & Safety Records for much longer periods. The will publish and update as appropriate, retention periods specific to those Trust Records not covered by legislative guidance. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

1.8 Disposal

Once the retention period has elapsed, the Trust will ensure that any information is destroyed by secure means, i.e. by shredding, pulping or burning for hard copy, deletion etc. for electronic/digitised copy. While awaiting destruction, information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack, or non-password-protected PC etc.).

1.9 Data Subject Access

The Data Subject has legally determined rights of access to all data held on them whatever the format e.g. an employee can access their personnel file, can ask to see all e mails which contain their name or other reference that uniquely identifies them.

All Trust Reception Points will hold Data Subject Access Request Forms. One will be for requests from the Data Subject i.e. the employee or pupil personally concerned. The second will be for the use of a third party making the request e.g. the parents/carers/guardians of a pupil under the age of 18, in cases of vulnerable pupils over 18 then again this would be used, it would also be used for duly appointed legal representatives appointed by a pupil such as a solicitor. The form will then go to the Trust Registrar who will determine from the request that needs to be involved in the data search.