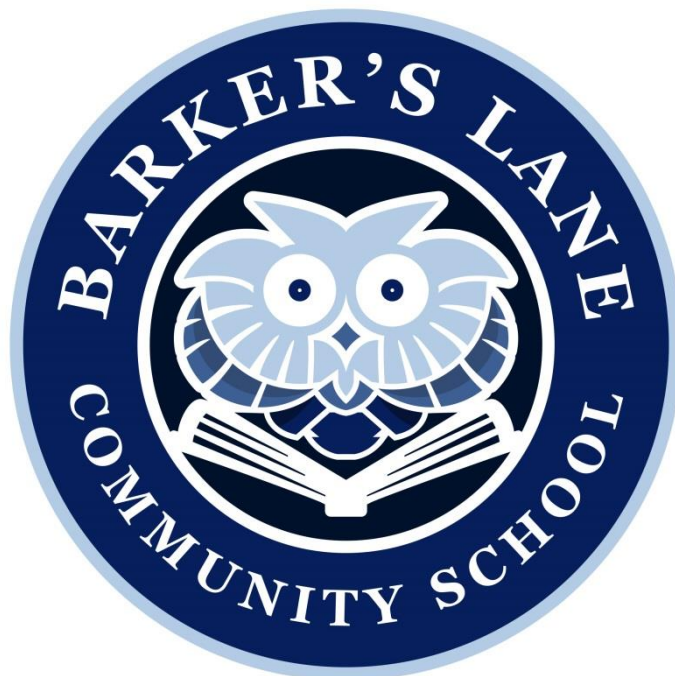


# Barker's Lane Community School

## DATA PROTECTION POLICY

*Taken from WCBC Model Policy*



This policy was updated and approved by the Board of Governors of Barker's Lane Community School on **21/11/2023**

Signed on behalf of the Board of Governors \_\_\_\_\_

Date \_\_\_\_\_

*Barker's Lane Community School*

Date policy becomes effective	<b>21<sup>st</sup> November 2023</b>
Signed – Headteacher	
Review date	<b>Autumn 2025</b>
Fersiwn Rhif / Version No:	2

### *Drafting note*

*This model policy is designed to give guidance to schools when creating their individual Data Protection Policy. When using the model policy, schools are encouraged to consider data handling arrangements that are specific to their organisation.*

## 1 Introduction

- (1) The Data Protection Act 2018, incorporating the EU General Data Protection Regulation (GDPR), places legal responsibilities on organisations who collect and use personal information and gives individuals certain rights of access. The Act covers information that is structured, including data processed automatically by computer, and information which is recorded as part of a relevant filing system. There are stricter requirements in the Act in respect of processing special categories of personal data. Information can be held in any format e.g. computer systems, paper records, CCTV. 'Personal information', 'special category personal data', 'processing' and 'relevant filing system' are defined in Appendix A.
- (2) In the course of carrying out its business, Barker's Lane Community School needs to collect and use certain types of information about people such as, employees, clients, school pupils, customers and suppliers, and is subject to the Act. This policy document sets out the School's intentions to fulfil its obligations under the Act and the arrangements it has put in place to comply with it.

## 2 Responsibility for the Act

The School is committed to ensuring that all staff comply with the Act.

## 3 Adhering to the seven principles of the Act

- (1) Barker's Lane Community School will collect and use personal information in accordance with the seven principles of the Act which require that:
  - (a) Personal data shall be processed fairly, lawfully and with transparency.
  - (b) Personal data shall be obtained only for specified and legitimate purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes. ('Purpose limitation')
  - (c) Personal data held for any purpose should be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed. ('Data minimisation')
  - (d) Personal data shall be accurate and, where relevant, kept updated. Every reasonable step will be made to ensure that inaccurate personal data is erased or rectified without delay. ('Accuracy')
  - (e) Personal data should be kept in a form that permits the data subject to be identified for no longer than is necessary for processing. (storage limitation)
  - (f) Personal data must be processed in a manner that ensures its security (integrity and confidentiality)
  - (g) The school will be responsible for complying with the latest legislation, and will put in place appropriate technical and organisational measures to ensure compliance ('accountability').

- (2) The School will also:
- (a) ensure that all staff receive training and guidance so that they understand that they are contractually responsible for complying with the law and know how to process information in accordance with the seven principles.
  - (b) put in place procedures for complying with the seven principles
  - (c) ensure that individuals are informed of the purposes for which their data will be used and that consent is sought for such use, where required by the Act.

#### 4 **Individuals' Rights**

Barker's Lane Community School will ensure that individuals' can exercise their rights described in the Act, including the right of subject access to personal information; the right to prevent processing personal information in certain circumstances, including for purposes of direct marketing; and a right to rectify, block, erase or destroy inaccurate information.

##### A **Subject Access**

- (1) Article 15 of the GDPR provides the right for individuals to be told by Data Controllers (those responsible for the collection of the information):
- (a) whether they process information about them (the subject),
  - (b) to be given a description of the information that they process.
  - (c) to be told to whom the information is disclosed,
  - (d) and to have copies of such information provided to them in a form that they can understand.
- (2) Barker's Lane Community School will supply this information if a request is made – the request does not have to be made in writing, it can be made verbally. The information requested, and the actions taken in relation to the request, will be provided free of charge, unless the request involves an excessive or manifestly unfounded request, in which case the school may charge a reasonable fee. The School will respond to such requests within one calendar month of receipt, although this timescale can be extended if a request is deemed as excessive.
- (3) The School will provide the information in a permanent format that is understandable to the applicant. If the individual makes a request electronically, the information should be provided in a commonly used electronic format, unless the individual requests otherwise.
- (4) Personal information may be withheld from disclosure to the applicant if it falls under any of the exemptions described in the Data Protection Act and subordinate legislation.
- (5) The Headteacher will be responsible for the co-ordination of subject access requests.

**B The right to prevent processing personal information in certain circumstances, including for purposes of direct marketing**

The School will comply with the rights of individuals under Data Protection legislation. For example, the School will not use personal information for marketing purposes where the person it refers to has asked the School not to use it for such purposes.

**C The right to rectify, block, erase or destroy inaccurate information**

The School will comply with responsibilities to amend any inaccurate data it holds about an individual, pursuant to Data Protection legislation.

**5 Complaints**

Any complaints about the way in which the School deals with personal information will be dealt with by the Governing Body who will arrange for the matter to be investigated. If the complainant is dissatisfied with the outcome of the investigation by the school, they may complain directly to the Information Commissioner. Appeals against the decision of the Information Commissioner can be made to the Information Tribunal.

Contact details:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 0303 123 1113

[www.ico.org.uk](http://www.ico.org.uk)

## **Appendix A**

### **Definitions**

“Personal information” or “personal data” is that which affects a person’s privacy, whether in his/her personal or family life, business or professional capacity. It is information which will have the individual as its focus. An individual’s name is unlikely to be personal data where it is not associated with any other personal information. If it is coupled with other information about him/her e.g. his/her address or phone number, it is likely to be personal information. Information about medical history, building entry records, or data in registration forms are all examples of personal information. Personal information may also include any expression of opinion about the individual. Information which has something else as its focus e.g. a property survey will not be personal information. The mere fact that a person is mentioned in a document does not mean that it is personal information.

“Special Category Personal Data” means information about a person relating to their ethnic or racial origin, political opinions, religious beliefs, trade union membership, physical or mental health, sexual life, and criminal records.

“Processing”, in relation to information or data, means obtaining, recording, holding or using the information. Using the information would include, altering it, retrieving or consulting it, disclosing it by making it available to others, or destroying it.

“Relevant filing system” means a set of information structured, either by reference to individuals, or by reference to criteria relating to individuals, so that specific information about individuals is readily accessible.