



# DATA PROTECTION POLICY

(May 2018)

## AIMS

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.

## IMPLEMENTATION

The School shall, so far as is reasonably practicable, comply with the EU **General Data Protection Regulation (GDPR)** and the **Data Protection Act of 2018 (DPA)**. The school will 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

## COMPLIANCE OFFICER - DATA

The School has appointed the Bursar as our Compliance Officer (Data), who will endeavour to ensure that all personal data is processed in compliance with this policy and the principles of GDPR and the DPA.

## 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 GDPR and the DPA. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

## 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, teachers and other staff and governors as part of its operation. This personal data may include (but is not limited to): names and addresses; bank details; academic; 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 and 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 teacher or pupil (and their parents or guardians). Sensitive personal data includes medical information and data relating to religion, race or criminal records and 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. Individuals wishing to access their personal data should put their requests in writing to the compliance officer. The School will endeavour to respond to any such written request as soon as is reasonably practicable and in any event will respond, within 40 days for access to records and 21 days to provide a reply to an access to information request. Where the request is deemed to be sensitive or contentious, it may be referred to the governing body.

Certain data is exempt from the right of access under GDPR and the DPA. 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.

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 consent; or if disclosure is reasonable in all the circumstances.

## **WHOSE RIGHTS?**

The rights under GDPR 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 parents' consent. Parents should be aware that they may not be consulted in such situations.

The School will only grant the pupil direct access to their personal data if in the School's reasonable belief the pupil understands the nature of the request.

Pupils agree that the School may disclose their personal data to their parents or guardians.

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds agreement to personal data being disclosed to parents or guardians, 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**

Certain data relating to the following are exempted from the provisions of the Data Protection Act:

- the prevention or detection of crime
- the assessment of any tax or duty
- where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School

The above are examples only of some of the exemptions under the act. Any further information on exemptions should be sought from the compliance officer.

## **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 confirms that it will not generally disclose information unless the individual has given consent or one of the specific exemptions under the DPA applies. However, the School does intend to 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, or their parents or guardians in the following ways. Should you wish to limit or object to any such use, please notify the compliance officer in writing.

- 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 on the School website without the express agreement of the appropriate individual.
- 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 fundraising, marketing or promotional purposes.

#### **ACCURACY**

The School will endeavour to ensure that all personal information held in relation to an individual is accurate. Individuals must notify the compliance officer of any changes to information held about them. Individuals have 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 GDPR and the DPA. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

#### **ENFORCEMENT**

Individuals who believe that the School has not complied with this policy or acted otherwise than in accordance with GDPR and the DPA, should utilise the School complaints procedure and should also notify the compliance officer.

#### **MONITORING AND EVALUATION**

This is the responsibility of the compliance officer in liaison with the Management Team.



## EARLY YEARS

### Confidentiality and Client Records

#### Policy statement

Definition: *'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.'*

At Rose Hill, staff can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education. We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of GDPR, the DPA and the Human Rights Act.

#### Confidentiality procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- Some parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in.
- Information shared between parents in a discussion or training group is usually bound by a shared agreement that the information is confidential to the group and not discussed outside of it.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures) - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parents on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child.
- We keep all records securely (see our record keeping procedures).

#### Client access to records procedures

Parents may request access to any confidential records held on their child and family following the procedure below:

- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the Head.
- The Head informs the Chairman of the Governors and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The Head and Chairman of the Governors prepare the file for viewing.
- All third parties are written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. Copies of these letters are retained on file.
- 'Third parties' include all family members who may be referred to in the records.
- It also includes workers from any other agency, including social services, the health authority, etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
- When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
- A photocopy of the complete file is taken.
- The Head and Chairman of the Governors go through the file and remove any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.



- What remains is the information recorded by the staff in the Early Years Department, detailing the work initiated and followed by them in relation to confidential matters. This is called the 'clean copy'.
- The 'clean copy' is photocopied for the parents who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through by the Head of Department/Head, so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the school or another (third party) agency.

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please see also our policy on child protection.

## **Children's Records (reviewed April 2018)**

*(to be read in conjunction with whole school policy)*

### **Policy Statement**

*There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of GDPR, The DPA and the Human Rights Act.*

*This policy and procedure is taken in conjunction with the Confidentiality Policy and our procedures for information sharing.*

### **Procedures**

We keep two kinds of records on children attending Rose Hill Early Years Department:

#### *Developmental records*

- These include observations of children at Rose Hill, photographs, and samples of their work and summary developmental reports or assessments.
- These are now usually kept in an ONLINE LEARNING JOURNAL (TAPESTRY) and can be accessed, and contributed to, by staff, and with entries from the child and the child's parents.

#### *Personal records*

- These include registration and admission forms, signed consent forms, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.
- These confidential records are either stored in a lockable cabinet and are kept secure by the person in charge in an office or other suitably safe place or in the secure area of the School Administration System 'ENGAGE'.
- Parents have access, in accordance with our Client Access to Records policy, to the files and records of their own children but do not have access to information about any other child.
- Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.
- We retain children's records for three years after they have left the school. These are kept in a secure place.
- Students on recognised training, when they are observing in the setting, are advised of our confidentiality policy and are required to respect it.