



Data Protection Policy

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The Island Project School

Statement of Intent

The use of the word “School” includes the School site at Diddington Hall and the College site at Birmingham Road.

1. Aims

- 1.1 Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998.
- 1.2 This policy applies to all data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

- 2.1 This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner’s Office](#) and [model privacy notices published by the Department for Education](#).
- 2.2 It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is new legislation due to come into force in 2018.
- 2.3 In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child’s educational record.
- 2.4 This policy complies with our articles of association.

3. Definitions

Personal Data : Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified

Sensitive personal data : Data such as:

- Contact details
- Racial or ethnic origin
- Political opinions
- Religious beliefs, or beliefs of a similar nature
- Where a person is a member of a trade union
- Physical and mental health
- Sexual orientation

- Whether a person has committed, or is alleged to have committed, an offence
- Criminal convictions

Processing :	Obtaining, recording or holding data
Data Subject :	The person whose personal data is held or processed
Data controller :	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor :	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

4. The data controller

- 4.1 Our School processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. The School Principal holds responsibility as data controller to
- 4.2 The School is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

5. Data protection principles

- 5.1 The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:
- Data shall be processed fairly and lawfully
 - Personal data shall be obtained only for one or more specified and lawful purposes
 - Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
 - Personal data shall be accurate and, where necessary, kept up to date
 - Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
 - Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
 - Reasonable appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
 - Personal data will not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

6. Roles and responsibilities

- 6.1 The Trustees have overall responsibility for ensuring that the School complies with its obligations under the Data Protection Act 1998.
- 6.2 Day-to-day responsibilities rest with the School Principal.
- 6.3 The School Principal will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.
- 6.4 Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

7. Privacy/fair processing notice

7.1 Pupils/parents

As part of the daily routine of the School, general personal information is shared with a number of individuals and bodies, such as social workers, mental health practitioners and local authorities, previous or future schools. This includes routine data, such as confirmation of children on roll, transport requirements, etc.

The School will not share any sensitive personal data (as defined by the Data Protection Act 1988), or any other data it believes is sensitive or personal (such as SEN assessments or medical information) with any third parties without first obtaining permission from parents.

Information and consent to the sharing of sensitive information is obtained upon pupils being put on roll and is updated on an annual basis in the Parent Carer information packs sent out at the beginning of each academic year.

The School does, however, have a statutory duty to share information with Local Authorities regarding pupils' statements/EHC plans and annual review documentation and this may be reshared with the Local Authority.

7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our School. The purpose of processing this data is to assist in the running of the School, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- DBS/Childcare Disqualification information
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the School Principal

8. Subject access requests

- 8.1 Under the Data Protection Act 1998, pupils have a right to request access to information the school holds about them. This is known as a subject access request.
- 8.2 Subject access requests must be submitted in writing, either by letter, email or fax.
- 8.3 Requests should include:
- The pupil's name
 - A correspondence address
 - A contact number and email address
 - Details about the information requested
- 8.4 The School will not reveal the following information in response to subject access requests:
- Information that might cause serious harm to the physical or mental health of the pupil or another individual;
 - Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests;
 - Information contained in adoption and parental order records;
 - Certain information given to a court in proceedings concerning the child.

- 8.5 Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. A maximum charge of £10 may be made.
- 8.6 If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

9. Parental requests to see the educational record

- 9.1 As the School is an independent School, parents of pupils do not have an automatic right to access their child's educational record. The School will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

10. Storage of records

- Paper-based records that contain personal information are kept securely when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

11. Disposal of records

- 11.1 Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.
- 11.2 For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

12. The General Data Protection Regulation

- 12.1 We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.
- 12.2 We will review working practices when this new legislation takes effect and provide training to members of staff where appropriate.