

Scholars' Education Trust

POLICY TITLE: DATA PROTECTION

STATUS Statutory

REVIEWED BY: Trust Board

DATE DUE: SPRING 2016

DATE OF APPROVAL: 22/29 March 2016

DATE OF REVIEW: SPRING 2018

Lead Responsibility: Headteacher

RELATIONSHIP TO OTHER POLICIES

Privacy Notice, Freedom of Information/Publication Scheme, ICT Acceptable Use

Data Protection Act 1998

Schools/academies, Local Authorities and the Department for Education all hold information on students in order to run the education system and in doing so have to following the requirements of the Data Protection Act 1998. This means that data held about students must only be used for specific purposes allowed by the law. The types of data held, why that data is held and to whom it may be passed is detailed below;

The Trust holds information on students in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care and to assess how well the school as a whole is doing. This information included contact details, national curriculum assessment results and attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time the Trust is required to pass on some of this data to the Local Authority (LA), to another school to which a student is transferring to the Department of Education (DfE), to the Qualifications and Curriculum Authority (QCA) which is responsible for the national curriculum and associated arrangements.

The Local Authority (LA) and other agencies (eg. EFA) can be given information about students in order to carry out specific functions which the school contracts in to, or, for which the school decides to communicate about with to the LA. The LA and other organisations (eg. EFA) may use data in statistical form to inform decisions on (for example) the funding of schools and to assess the performance of schools.

OFSTED uses information about the progress and performance of students to help inspectors evaluate the work of schools, to assist schools in their self-evaluation and as part of OFSTED's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual students.

The Qualifications and Curriculum Authority uses information about students to administer the national curriculum tests and assessments for Key Stage 3. The results of these are passed on to the DfE in order for it to compile statistics on trends and patterns in

levels of achievement. The QCA uses the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements and to ensure that these are continually improved.

The Department of Education (DfE) uses information about students for statistical purposes, to evaluate and develop education policy and to monitor the performance of the education service as a whole. On occasion information may be shared with other Government departments or agencies, such as the EFA, strictly for statistical or research purposes only. Students, as data subjects, have certain rights under the Data Protection Act, including right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. All data will only be used for teaching and pastoral care purposes. If a student wishes to access their personal data, or parents wish to do so on their behalf, then please contact the relevant organisation in writing:

- Scholars' Education Trust. Registered address: Sir John Lawes School. Manland Way, Harpenden, AL5 4QP
- LA's Data Protection Office: Information Governance Unit, Room C1, County Hall, Pegs Lane, Hertford, SG13 8DQ, email: dataprotection@hertscc.gov.uk
- QCA's Data Protection Officer: 83 Piccadilly, London, W1J 8QA
- DfE's Data Protection Office Caxton House, Tothill St, London, SW1H 9NA
- Ofsted Data Protection Office: Alexandra House, 33 Kingsway, London, WC2B 6SE

Other Institutions involved in collaborative delivery. Where secondary schools are involved in collaborative delivery with other schools / colleges and learning providers, student information may also be shared to aid the preparation of learning plans and use of data to achieve the objectives identified above. Staff are required to share work and information in compliance with this policy, and the Acceptable Use Policy for staff. Where there is any concern, guidance must be sought from school/academy senior management and the IT Network Manager.

Remote and Cloud Data Storage

The use of external storage and "cloud" systems is permitted as these providers are signatories to the US Safe Harbor Agreement, and therefore are fully compliant with the UK Data Protection Act. However, staff using new applications that require the storage of any student information outside of the UK are required to check that the provider is compliant with the US Safe Harbor Agreement¹ and register this use with Sir John Lawes School and Samuel Ryder Academy IT support and the Network Manager who will confirm that there is full compliance with the Data Protection Act. Further information on this matter can be obtained from the Information Commissioner's Office² through the link provided at the end of this policy document.

Biometrics

Certain systems such as the canteen payments system, Parent Pay and the library booking system use biometric identification. These systems are fully compliant with the UK Data Protection Act, and do not store retrievable information on students or staff. The identification algorithms are such that a fingerprint image cannot be reconstructed from the data stored, or shared with or accessed by any third party.

Storage of Historic Data

The school is required to store certain data for a period of up to seven years after a student has left the school. This data will be archived and stored securely on the premises. A yearly sweep of the school network will be used to ensure that such data is protected and removed from general access where appropriate.

¹ "The Safe Harbor scheme is recognised by the European Commission as providing adequate protection for the rights of data individuals in connection with the transfer of their personal data to signatories of the scheme in the USA."

² http://ico.org.uk/for_organisations/data_protection/the_guide/principle_8

Specific Rights

Please note that all rights under the Data Protection Act to do with information about your child rest with them as soon as they are old enough to understand these rights. This will vary from one child to another and parents may wish to consider the position of their child. We would encourage parents to share this note with their children if they are aged 12 or over.

Separately from the Data Protection Act, DfE regulations provide a student's parent (regardless of the age of the student) with the right of view, or to have a copy of their educational record at the school. If parents wish to exercise this right they should contact the school.

Once students are aged 13 or over, we are required by law to pass on certain information to providers of **youth support services** in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide both student and parents' name(s) and address and any further information relevant to the support services' role.

However, if a student is over 16, the student or parents can ask that no information beyond names, address and your date of birth be passed to the support service. This right transfers to students on a 16th birthday.

Equalities impact assessment considered