

Pinewood Infant School and Foundation Unit

Data Protection and Freedom of Information Policy



Policy approved: November 2017

Review: November 2018

Aims and Objectives

The aim of this policy is to provide a set of guidelines to enable staff, parents/carers and pupils to understand:

- The law regarding personal data
- How personal data should be processed, stored, archived and deleted/destroyed
- How staff, parents/carers and pupils can access personal data

The objective of the policy is to ensure that the school acts within the requirements of the Data Protection Act 1998 when retaining and storing personal data, and when making available to individuals and the process of responding to enquires for information legal under the Freedom of Information Act 2000 (in force from 1st January 2005).

Data Protections- The Law

- Under the Data Protection Act 1998 and other regulating acts, access to their own personal information is a statutory right for pupils (if they are of an age to understand the information they request) and parents/carers (as defined in the Education Act 1996) may also request access to their child's personal data
- School staff have a right of access to personal data on themselves
- Anyone has the right to question and correct inaccurate information, but this must be matters of fact, not opinion
- Personal data should always be kept securely and protected by passwords if it is electronic and access to it should only be by those authorised to see it- confidentiality should be respected. The law also provides that personal data should not be kept longer than is required
- Third party data (information about someone other than the requesting individual) should in general only be provided with their permission
- There should be a named person with overall responsibility for personal data within each school. At Pinewood Infant School, this is Rachel Otter, Head Teacher.

Processing, storing, archiving and deleting personal data: Guidance

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when the pupil changes schools
- School records for the child should be kept for 7 years after the child leaves the school, or until the child reaches 25 years of age (whichever is greater) and examination records the same
- Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the head teacher and with the knowledge, and if possible the agreement of the staff member concerned
- Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc) these records should be retained by the school

- Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months
- All formal complaints made to the head teacher or governors will be kept for at least 7 years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.

Accessing personal data: Guidance

- A child can request access to his/her own data. The request is not charged and does not have to be in writing. The staff will judge if the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider if the request has been made under coercion
- A parent/carer can request access to or a copy of their child's school records and other information held on their child. The request must be made in writing. There is no charge for such requests on behalf of the child, but there may be a photocopying charge. This is at the discretion of the head teacher and is detailed in guidance from the Information Commissioner. Staff should check, if a request for information is made by the parent/carer, that no other legal obstruction (such as a court order limiting an individual's exercise of parental responsibility) is in force
- Parents/carers should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but as broad guide, most children will have a sufficient understanding by the age of 12. Parents/carers are encouraged to discuss and explain any requests for information with their child if they are aged 12 or over
- Separately from the Data Protection Act, The Education (Pupil Information) (England) Regulations 2005 provide a pupils parent/carers (regardless of the age of the pupil) with a right to view, or have a copy of, their child's educational record at the school. Parents/carers who wish to exercise this right must apply in writing to the school
- For educational records (unlike personal data; see below) access must be provided within 15 school days, and if copies are requested, these must be supplied within 15 school days of payment
- Staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of the records
- The law requires that all requests for personal information are dealt within 40 days of receipt of requests except requests for educational records (see above). All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the school will arrange access to those documents already available and notify the individual that other documents will be made available at a later date
- In all cases, should third party information (information about another individual) be included in the information the staff will try to obtain permission to show this information to the applicant, with the exception if information provided by another member of school staff which is exempt from a requirement for third party consents. If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released
- Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data
- From 1st January 2005, when the Freedom of Information Act came into force, a request for personal information can include unstructured as well as structured records- i.e. letters, emails, etc. not kept within the individual's personal files or filed by their name, but still directly relevant to them. If these would form part of a wider record it is advisable to file these within structured records as a matter of

course and to avoid excessive administrative work. These can be requested if sufficient information can be provided to identify them

- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions and their comments will be recorded, but opinions do not have to be deleted or changed as part of this process
- The school will document all requests for personal information with details of who dealt with the request, what information was provided and when and any outcomes (letter requesting changes etc.) These will enable staff to deal with a complaint if one is made in relation to the request.

Fair processing of personal data: data which may be shared

Schools, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the educational system and in doing so have to follow the Data Protection Act 1998. This means that, among other things, the data held about pupils must only be used for specific purposes allowed by law. The school has a Privacy Notice which explains how personal data is used and with whom it will be shared. This is available through the school website.

The Local Education Authority uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil may have. It also uses the information to derive statistics to inform decisions on, for example, the funding of schools, and to assess the performance of schools. The statistics are used in such a way that individual pupils cannot be identified from them.

Pupils, as data subjects have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents/carers exercising this right on their behalf if they are too young to do it themselves. If your child wishes to access their personal data, or you wish to do so on their behalf, then please contact the relevant organisation in writing;

- the school as above
- the LA (Local Authority's Data Management Team
Children's, Families and Cultural Services, Nottinghamshire County Council, County Hall, West Bridgford, Nottingham. NG2 7QP or email: data.collections@nottscc.gov.uk

Access to other schools information: Guidance on Freedom of Information Publications Schemes

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this we must produce a publication scheme, setting out:

- *The classes of information which we publish or intend to publish;*
- *The manner in which the information will be published; and*
- *Whether the information is available free of charge or on payment.*

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is **[either available for you on our website to download and print off or]** available in paper form.

Some information which we hold may not be made public, for example personal information. This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

Aims and Objectives

The school aims to:

- enable every child to fulfil their learning potential, with education that meets the needs of each child,
- help every child develop the skills, knowledge and personal qualities needed for life and work,

and this publication scheme is a means of showing how we are pursuing these aims.

Categories of Information Published

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. These are contained in section 6 of this scheme.

The classes of information that we undertake to make available are organised into four broad topic areas:

School Prospectus – information published in the school prospectus.

Governors' Documents – information published in the governing body documents.

Pupils & Curriculum – information about policies that relate to pupils and the school curriculum.

School Policies and other information related to the school - information about policies that relate to the school in general.

How to request information:

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email, fax or letter. Contact details are set out below.

Email: office@pinewood.notts.sch.uk

Tel: **01159521717**

Contact Address: **Pinewood Avenue, Arnold, Nottingham. NG5 8BU**

To help us process your request quickly, please clearly mark any correspondence **"PUBLICATION SCHEME REQUEST"** (in CAPITALS please)

If the information you're looking for isn't available via the scheme, you can still contact the school to ask if we have it.

Paying for Information

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café. Single copies of information covered by this publication are provided free unless stated otherwise in section 6. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request. Where there is a charge this will be indicated by a £ sign in the description box.

Classes of Information Currently Published

School Prospectus – this section sets out information published in the school prospectus.

Class	Description
School Prospectus	<p>The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school's discretion):</p> <ul style="list-style-type: none"> • the name, address and telephone number of the school, and the type of school • the names of the head teacher and chair of governors • our mission statement • school times • school dress • details on the school website where all statutory policies and information is available • information in free school meals

Information relating to the governing body–

This section sets out information published in governing body documents.

Class	Description
Instrument of Government	<ul style="list-style-type: none"> • The name of the school • The category of the school • The name of the governing body • The manner in which the governing body is constituted • The term of office of each category of governor if less than 4 years • The name of any body entitled to appoint any category of governor • Details of any trust • If the school has a religious character, a description of the ethos • The date the instrument takes effect
Minutes¹ of meeting of the governing body and its committees	Agreed minutes of meetings of the governing body and its committees [<i>current and last full academic school year</i>]

Pupils & Curriculum Policies: - This section gives access to information about policies that relate to pupils and the school curriculum.

Class	Description
Home – school agreement	Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements
Curriculum Policy	Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school
Sex Education Policy	Statement of policy with regard to sex and relationship education

Special Education Needs Policy	Information about the school's policy on providing for pupils with special educational needs
Accessibility Plans	Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.
Race Equality Policy	Statement of policy for promoting race equality
Collective Worship	Statement of arrangements for the required daily act of collective worship
Child Protection Policy	Statement of policy for safeguarding and promoting welfare of pupils at the school.
Pupil Discipline	Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying.

School Policies and other information related to the school - This section gives access to information about policies that relate to the school in general.

Class	Description
Published reports of Ofsted referring expressly to the school	Published report of the last inspection of the school and the summary of the report and where appropriate inspection reports of religious education in those schools designated as having a religious character
Post-Ofsted inspection action plan	A plan setting out the actions required following the last Ofsted inspection and where appropriate an action plan following inspection of religious education where the school is designated as having a religious character
Charging and Remissions Policies	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips
School session times and term dates	Details of school session and dates of school terms and holidays
Health and Safety Policy and risk assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy
Complaints procedure	Statement of procedures for dealing with complaints
Performance Management of Staff	Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures
Staff Conduct, Discipline and Grievance	Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education and Skills to the head teacher or governing body relating to the curriculum
Annex A - Other documents	Annex A provides a list of other documents that are held by the school and are available on request

Our website is: www.pinewood.notts.sch.uk

Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to Ms Rachel Otter.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

or

Enquiry/Information Line: 01625 545 700

E Mail: publications@ic-foi.demon.co.uk

Website: www.informationcommissioner.gov.uk