



DATA PROTECTION POLICY

GENERAL STATEMENT

The School is required to process relevant personal data regarding pupils (current, past and prospective), parents/guardians, staff and other individuals who come into contact with the school as part of its operation. This data includes certain types of information to comply with statutory obligations or government agencies and other bodies. Gayhurst will take all reasonable steps to process personal data in accordance with this Policy and the 1998 Data Protection Act.

Under this policy 'parent' has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child; 'Processing' may include obtaining, recording, holding, disclosing, destroying or otherwise using data.

This Policy only refers to living individuals.

DATA PROTECTION CONTROLLER

The School has appointed the Bursar as Data Protection Controller (DPC) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998.

THE PRINCIPLES

The School shall so far as is reasonably practicable comply with the eight Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure all personal data is:-

- Fairly and lawfully processed;
- Obtained only for one or more specific and lawful purposes;
- Adequate, relevant and not excessive in relation to the purpose(s) for which it is processed;
- Accurate and up to date;
- Not kept for longer than necessary;
- Processed in accordance with the data subject's rights under the 1998 Data Protection Act;
- Protected by appropriate technical and organisational measures to prevent unauthorised or unlawful processing and, against accidental loss or destruction of or damage to it;
- Not transferred to other countries outside the EEA without adequate protection.

DATA

Data covers both facts and opinions about an individual and such data may be stored electronically or manually. The data may be in written or other formats (e.g. photographs or video).

The School may process a wide range of data relating to pupils, parents or guardians, staff and other individuals as part of its operation. This data may include (but is not limited to);



names and addresses, medical, race, religion information, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

Consent may be required for the processing of data unless the processing is necessary for the School to undertake its obligations to pupils, parents or guardians, staff and other individuals.

SUBJECT ACCESS REQUESTS

Individuals have a right of access to information held by the School. Any individual wishing to access their personal data should put a request in writing to the DPC. The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request. [Please note that the School may charge an administration fee of up to £..... for providing this information.]

The DPC may require verification of identity of the individual making the request for example by verifying signatures against those held on file or by asking for valid identification such as a passport or photo-driving license. These checks should be done in addition to a proof of relationship with a child where required.

All information relating to an individual including that held in diaries, in electronic systems and on email should be considered for disclosure, however all files will be reviewed before disclosure. Any codes/technical terms and abbreviations should be explained to the individual.

Information provided to an individual under this policy should include a description of the information, what it is used for, who it might be passed onto and any information that is relevant about the source.

Section 7(4) of the Data Protection Act states that the school does not have to comply with an access request unless

- it is possible to do so without disclosing information relating to another individual, which may cause damage/ distress or
- is subject to legal/ professional privilege, where they can be identified from that information unless:
 - The third party has consented to the disclosure
 - It is reasonable to do so without their consent.

Further information on what is 'reasonable' is available from the Information Commissioners website. Where such a decision is made regarding third party information within disclosures it should be noted within the request log with the reasons for it.

The School will 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/staff member. 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 in line with the previous paragraph.

If there is a current court order which relates to information regarding any child that order must, regardless of the circumstances, be observed.

Under the 1998 Act examination scripts are exempt from disclosure in the event of a subject access request. Legally, this means the School is not obliged to provide copies to those who ask for them. We are entitled however to release scripts at our own discretion.

If data is withheld, it is acknowledged as good practice to advise the individual of this with an explanation of why the data has been withheld. A copy of the edited data will also be held with the reason for this, so that in the event of complaint there is a record of the process and decisions made.

WHOSE RIGHTS

The rights under the Data Protection Act are the individual's to whom the data relates. However in most cases requests from parents in respect of their own children will be processed by the school as requests made on behalf of the data subject. In the event of the child having the capacity to understand the request and the data and with the best interests of the child being paramount, the request will be discussed with them and their view taken into account.

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. Parents should be aware that in such situations they may not be consulted. However, such requests may be referred to parents if there are concerns about a child's ability to understand the request and the data held. Pupils agree that the School may disclose their personal data to their parents or guardian.

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, 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 is exempted from the provisions of the Data Protection Act which includes the following:

- 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 DPC.

DISCLOSURE OF INFORMATION TO THIRD PARTIES

The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians, staff or other individuals. 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.

The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However the School may disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil or staff member to any educational institution which it is proposed that the pupil may attend or staff member may be employed by.
- 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/staff's medical condition where it is in the pupil's/staff members interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

USE OF PERSONAL INFORMATION BY THE SCHOOL

The School will, from time to time, make use of personal data relating to pupils, parents or guardians, staff and other individuals in the following ways;

- To make use of photographic images of individuals including pupils in School publications, on the School website and in various press coverage. However the School will not publish photographs of individual pupils with their names without the express agreement of the appropriate individual and/or their parents/guardians..



- 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 and others or for fundraising, marketing or promotional purposes.

Should you wish to limit or object to, any such use please notify the DPC in writing.

ACCURACY

The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPC of any changes to information held about them. Periodically the school will seek to update the information held on individuals with the provision of the current data and a request for this to be verified by them. An individual has 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 and other persons acting on our behalf (for example contractors) will only have access to personal data relating to pupils, their parents or guardians, staff and others where it is necessary for them to do so. All staff and contractors will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons via restricted physical and computerised access to information stores. The school will also ensure that information is not held longer than is necessary, and where disposed of, it is done securely.

ENFORCEMENT

If an individual believes that the School has not complied with this Policy or has acted other than in accordance with the Data Protection Act, they should utilise the School complaints procedure and should also notify the DPC.

REVIEW

A log of access requests, including what data has been provided and/or controlled will be maintained.

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998 and will be reviewed on a three yearly cycle.

MONITORING

This policy is monitored by the Governors Finance & General Purposes Committee.

FURTHER SUPPORT/INFORMATION

Can be gained from the Information Commissioner on 08456 306060 or via www.ico.gov.uk