

All Saints Catholic Primary School



Data Protection Policy

Date:	October 2023
Headteacher	Mr. J Price
Consultee/s:	Governing Body, school staff
Approved by:	Governing Body
Next review date:	October 2024

All Saints Catholic Primary collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all pupils/parents (see appendix 1), this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on. A summary privacy notice is issued to parents with an offer of the full privacy notice if required.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically. We collect and use pupil information under Section 537A of the Education Act 1996 and section 83 of the Children Act 1989. We also comply with Article 6(1)(c) and Article 9 (2)(b) of the General Data Protection Regulation (GDPR).

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so

appropriately and securely

- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact Mr. J Price who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 545745 3

Appendix 1

All Saints Catholic Primary School

Procedures for responding to subject access requests made under the Data Protection Act 1998

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Mr. J Price. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
 - passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
 - Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The school may make a charge for the provision of information, dependant upon the following:

- Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.

5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However, the 40 days will not commence until after receipt of fees or clarification of information sought

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Contacts

If you have any queries or concerns regarding these policies / procedures then please contact Mr. J Price Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, www.ico.gov.uk or telephone

Mr. J Price
October 2022

Appendix 1

Privacy Notice No:	001
Date Created:	4 th September 2018
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Version Number:	1.0
Document ID:	

Contact Details: All Saints Catholic Primary School
Telephone: 02920852532
Email:

Description of Privacy Notice: This privacy notice will explain how All Saints Catholic Primary School will process personal information about pupils and families.

How we will use your information

Source and type of information being processed

The categories of pupil information that we collect, hold and share include:

- personal information (such as name, unique pupil number and address)
- characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- attendance information (such as sessions attended, number of absences and absence reasons)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- contact details, contact preferences, date of birth, identification documents
- performance in internal and national assessments and examinations, assessment information
- pupil and curricular records
- details of any medical conditions, including physical and mental health
- details of any support received, including care packages, plans and support providers
- photographs
- CCTV images captured in school

Source of the personal data

This information has been collected from:

- Pupils/families directly, (e.g. via registration forms at the start of the school year, school trip applications, etc)
- Other schools where a pupil has previously attended
- Caerphilly County Borough Council Education Directorate
- Caerphilly County Borough Council Social Services Directorate (if applicable)
- Aneurin Bevan University Health Board School Health Service

If you would like further information on the source of this information, please contact the school.

Your Obligations

Certain pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory due to a legal or contractual obligation (please see below), some if it is optional, and if this is the case you will be asked to give your consent.

We will inform you at the point of collection whether you are required to provide certain pupil information to us, or if you have a choice in this. The school will also outline any consequences should you decide not to provide information or to subsequently withdraw consent.

Why do we collect and use your information

All Saints Catholic Primary School collects information about children and young people and their parents or legal guardians upon enrolment and at other key times during the school year. When children and young people transfer, they may receive information from other schools and early years providers.

All Saints Catholic Primary School processes the information it collects to administer the education it provides to children and young people. For example:

- the provision of educational services to individuals;
- monitoring and reporting on pupils'/children's educational progress;
- the provision of welfare, pastoral care and health services;
- the giving of support and guidance to children and young people, their parents and legal guardians;
- the organisation of educational events and trips;

All Saints Catholic Primary School collects information about children and young people and their parents or legal guardians when they apply for admission to All Saints Catholic Primary School. This data can be accessed by Caerphilly County Borough Council for the same reasons listed above.

We collect and use pupil information under Section 537A of the Education Act 1996 and section 83 of the Children Act 1989. We also comply with Article 6(1)(c) and Article 9 (2)(b) of the General Data Protection Regulation (GDPR).

We use pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to keep children safe (food allergies, or emergency contact details)
- to meet the statutory duties placed upon us for Welsh Government data collections
- to administer trips and activities, catering and free school meal management, which may include identity management/authentication using biometrics
- to support pupils to decide what they want to do after leaving school

Legal basis for processing

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified.

Mandatory school processing of pupil information is covered by:

6(1)(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

The public task is provided by:

Education Act (1996/2002);
Special Educational Needs Code of Practice for Wales (2002)

Optional processing of personal data is covered by the Article 6 condition:

6(1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

For instance, All Saints Catholic Primary School will ask for your consent to publish or display photographs of your son/daughter on displays around the school, in newspaper or local magazine articles, and on our website and/or social media pages. You have the right to withdraw consent at any time. Please contact the school for further information.

Data Protection legislation provides extra protection for certain classes of information called 'special categories of personal data', which includes:

- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Political opinion
- Physical or mental health or condition
- Genetic data
- Biometric data (where used for identification purposes)
- Sexual life or orientation
- Trade union membership

Data Protection legislation also provides extra protection for personal data in relation to criminal allegations, proceedings, outcomes and sentences.

If any information falls within these definitions, additional conditions are required from Article 9 for special category data and Article 10 for personal data relating to crimes, taking into account additional provisions of the Data Protection Act 2018. If you have any questions in the meantime, please contact the school.

Article 9(2)(g) for special category data –

processing is necessary for reasons of substantial public interest on the basis of Union or Member State law; and Article 10 for criminal data – when the processing is authorised by Union or Member State law.

The relevant Member State law is the Data Protection Act 2018, and this processing is covered by Schedule 1, Part II, 6(1).

This condition is met if the processing—

- (a) is necessary for a purpose listed in sub-paragraph (2), and*
- (b) is necessary for reasons of substantial public interest.*

(2) Those purposes are—

- (a) the exercise of a function conferred on a person by an enactment or rule of law;*
- (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.*

Who will have access to your information?

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is All Saints Catholic Primary School

The Data Protection Officer is contracted by the school to Caerphilly County Borough Council. You can contact the school Data Protection Officer on 01443 864049, or by email at dataprotection@caerphilly.gov.uk

Details of main users of your information

The main users of your information will be All Saints Catholic Primary School

Details of sharing your information with other organisations

We may be required to share certain pupil information with specific organisations, but only with a clearly defined reason and an appropriate legal basis under data protection law.

We always ensure that the sharing of personal information is securely undertaken.

Organisation	Reason	Lawful Basis
School/College/Day Centre that the pupil subsequently attends	Continuity of education	Compliance with a legal obligation (Art 6 GDPR)
Caerphilly County Borough Council	To monitor education provision and research to inform policy and funding decisions	Compliance with a legal obligation (Art 6 GDPR)
	To provide IT support	Processing necessary for performance of a contract (Art 6 GDPR)
	To provide Health and Safety support	Processing necessary for performance of a contract (Art 6 GDPR)

	To defend insurance claims	Processing necessary for legitimate interests (Art 6 GDPR) and legal proceedings (Art 9 GDPR)
	To administer Special Educational Needs support	Compliance with a public task (Art 6 and 9 GDPR)
	Safeguarding purposes	Compliance with a legal obligation, vital interests, or public task (Art 6 and 9 GDPR)
Welsh Government (further detail below)	Provision of statistics to monitor education	Compliance with a legal obligation (Art 6 GDPR)
Education Achievement Service	To support school with bench marking and target setting to help raise education standards. To produce up-to-date and accurate information also provided to inform School Governors.	Compliance with a legal obligation or public task (Art 6 GDPR)
Aneurin Bevan University Health Board	To provide a school health service	Compliance with a public task (Art 6 GDPR); public health (Art 9 GDPR)
	Safeguarding purposes	Compliance with a legal obligation, vital interests, or public task (Art 6 and 9 GDPR)
Therapy Intervention Services	Staff from other services (including social workers and doctors) working with a child so that a multi professional approach can be adopted for trying to understand problem behaviours and for risk management purposes	Compliance with a public task (Art 6 GDPR); public health (Art 9 GDPR)

Sharing information with Welsh Government

In addition, the **Welsh Government** receives information on pupils directly from schools normally as part of statutory data collections which consists of the following:

- Pupil Level Annual School Census (PLASC)
- National data collection (NDC)
- Attendance collection
- Welsh National Tests (WNT) data collection

In addition to the data collected as part of PLASC, the Welsh Government and Local Authorities also receive information regarding National Curriculum assessments, public examination results, and attendance data at individual pupil level which comes from Schools or Awarding Bodies (e.g. WJEC).

The Welsh Government uses this personal information for research (carried out in a way that ensures individual children and young people cannot be identified) and for statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. Examples of the sort of statistics produced can be viewed at www.wales.gov.uk/statistics. Further

information is on the Welsh Governments' use of personal data is set out within the Welsh Governments' Privacy Policy which is available [here](#).

Details of any external data processors

Details of transfers to any countries outside of the European Economic Area

Requests for information

All recorded information held by the school may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation (General Data Protection Regulations 2016 and Data Protection Act 2018).

If the information you provide is subject to such a request, where possible, the school will consult with you on its release. If you object to the release of your information, we will withhold your information if the relevant legislation allows.

How long will we retain your information?

Details of retention period

We hold pupil data securely for the set amount of time documented in our data retention schedule. All Saints Catholic Primary School will retain information for the duration the child remains at the primary school, and securely transfer the information to the secondary school or alternative provision when the child moves on.

Your Rights (including Complaints Procedure)

Your rights under data protection law

Data Protection laws give data subjects (those who the information is about) a number of rights, which include:

- **Right to be informed** how personal data is collected, stored, managed, protected, and processed.
- **Right of access** to request a copy of personal information held of yourself. However, please be aware that information can sometimes be legitimately withheld.
- **Right to rectification** of inaccurate or incomplete personal data.
- **Right to erasure** where you have the right to have your personal data erased in certain circumstances. This does not include any personal data that must be retained by law.
- **Right to restriction**, which allows you to limit the way we use your personal data in some circumstances.
- **Right to portability** gives an individual the right to receive copies of data provided to a controller in a portable format.
- **Right to object** to the processing of one's personal data; and the final one is the

- **Rights in relation to automated decision making and profiling.**

Children and young people have certain rights under data protection legislation, including a general right to be given access to personal data held about them by an organisation. The UK Data Protection Act 2018 allows that, by the age of 13, children and young people have sufficient maturity to understand their rights and to make an information request themselves if they so wish. A parent would be entitled to make a request on a child's behalf if the child is younger and would need to provide proof of ID and Parental Responsibility.

To enact your rights, please contact All Saints Catholic Primary School as detailed at the top of this document. A copy of any individual right request and your response will be kept for 3 years.

Complaints Procedure

If you are unhappy with the way that the school has handled your request / information, you have the right of complaint. Please contact All Saints Catholic Primary School] outlining your concerns in the first instance.

If you remain unhappy, you can contact the schools Data Protection Officer on 01443 864322 / dataprotection@caerphilly.gov.uk

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act in the UK, to assess whether or not the processing of personal information is likely to comply with the provisions of our legislative responsibilities. Further information on your rights is available from: www.ico.org.uk.

Summary Privacy Notice

How we will use your information

All Saints Catholic Primary School processes personal information about pupils and their families to support pupil learning and monitor attainment, to provide pastoral care, and to keep children safe. We also process personal information to meet the statutory duties placed upon us by Welsh Government, to administer optional school trips and activities, and to deliver the school catering service.

The school takes its responsibilities under data protection law very seriously, and will store and use all personal information securely, disposing of it when no longer required. Personal information may be shared securely for clear purposes with other organisations such as Caerphilly County Borough Council, Welsh Government, or other external partners (e.g. other Local Authorities, Health Boards, and Special Educational Needs Tribunal Wales) that provide a service to pupils/families. You have a number of rights in relation to your personal information, including the right of access to information and the right of complaint.