

# Data Protection Policy



**Updated by D.Lee and AdminStaff Autumn 2014**  
**Review Autumn 2017**

Hemdean House School is required to process relevant personal data regarding staff, students and their parents and guardians as part of its operation and shall take all reasonable steps to do so in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. The data holdings and general interests of the school are registered under the Data Protection Act 1998. In this policy any reference to students includes current, past or prospective students.

## **Principles**

We shall, so far as is reasonably practicable, comply with the Data Protection Principles contained in the Data Protection Act to ensure all data is:

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subjects rights
- Secure
- Not transferred to other countries without adequate protection

## **Processing Personal Data**

- Personal data covers both facts and opinions about an individual. It includes (but is not limited to); names and addresses, bank details, academic, disciplinary, admissions and attendance records,

references, examination scripts and marks and information necessary for employment such as the names and addresses, details for payment of salaries and DBS checks.

- Consent may be required for the processing of personal data unless processing is necessary for the school to undertake its obligations to students and their parents or guardians or performance of the contract of employment. Any information which falls under the definition of personal data and is not otherwise exempt will remain confidential and will only be disclosed to third parties with the consent of the individual concerned or under the terms of this policy.
- The school may from time to time be required to process sensitive personal data. Sensitive personal data includes medical information and data relating to religion, race, trade union membership, and criminal records and proceedings. Where sensitive personal data is processed by the school, the explicit consent of the individual will generally be required in writing.

### **Rights of Access**

- Individuals have a right of access to information held by the school. Any individual wishing to access their personal data should put their request in writing. The school will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within 15 school days for access to records and 5 school days to provide a reply to an access to information request. The information will be imparted to the individual as soon as is reasonably possible after it has come to the schools attention.
- Certain data is exempt from the right of access under the provisions of the Data Protection Act and 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
  - Information which identifies other individuals
  - Information which the school reasonably believes is likely to cause damage or distress
  - The school is not required to disclose any student examination scripts
- 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 student. 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 if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.

- The rights under the Data Protection Act are the individual's to whom the data relates. The school will, however, in most cases rely on parental consent to process data relating to students unless, given the nature of the processing in question, and the student's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted.
- The school will only grant a student direct access to their personal data if, in the school's reasonable belief, the student understands the nature of the request.
- Where a student 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 student does not fully understand the consequences of withholding their consent, or where the school believes disclosure will be in the best interests of the student or other students.

### **Disclosure and Use of Information**

- The school may receive requests from third parties to disclose personal data it holds. 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 does intend to disclose such data as is necessary to third parties for the following purposes:
  - To give a confidential reference relating to a student to any educational institution which it is proposed that the student may attend.
  - To give information relating to outstanding fees or payment history to any educational institution which it is proposed that a student may attend
  - To publish the results of public examinations or other achievements of students of the school
  - To disclose details of a medical condition where it is in the individual's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.
- 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 will, from time to time, make use of personal data relating to students, their parents or guardians in the following ways. Any objections to any such use should be made to the school in writing.
  - To make use of photographic images of students in school publications and on the school website. However the school will

not publish photographs of individual students with their names on the school website without the express agreement of the individual.

- For fundraising, marketing or promotional purposes and to maintain relationships with students of the school for the purpose of fundraising, marketing or promotional purposes.
- Named data about individual students, ex-students, staff or ex-staff will not be released to any person or persons except to the relevant managers of the school.
- Information about named students will only be made available to outside bodies entitled to seek such information such as schools seeking references which use this information for purposes such as selection.
- Anonymous data will only be released to those bodies entitled to seek statistical information from the school.
- Any information collected for data purposes will not be used for any other purpose other than that notified. Data will not be released to 'for profit organisations'.
- Where the school is requested/required to give information about an individual then permission will be sought beforehand either from the individual or their parent or guardian.
- The school will endeavour to ensure that all personal data held is accurate. Individuals must notify the school of any changes to information held about them. Individuals have the right to request that inaccurate information about them is erased.
- The school will take reasonable steps to ensure that members of staff will only have access to personal data relating to students, their parents or guardians where it is necessary for them to do so. The school will ensure that all personal information is held securely and is not accessible to unauthorised persons.
- If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the Grievance Procedure.
- Ex-students, staff, and ex-staff the right to request a copy of personal details held by the school.
- The school will ensure that individuals are aware of this policy and their rights under the Data Protection Act.

## Security of Data

- The School will ensure that data is held securely and access is restricted to authorised personnel only.
- Data shall only be taken off site either in hard copy or electronic form when necessary and shall be securely stored and password protected.
- Any breach of these conditions or suspected exposure of data to an unauthorised person shall be reported to the Head immediately