

# Waterton Academy Trust



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## **Data Protection Policy**

Reviewed: January 2017

Next Review: January 2019

## **Statement of Data Protection Policy**

For the purpose of this policy Waterton Academy Trust includes the Trust as a whole as well as each member academy.

This is a statement of data protection policy adopted by the academies of Waterton Academy Trust on 1<sup>st</sup> September 2014

Waterton Academy Trust recognises that in order to operate and meet its legal obligations it needs to collect and use personal data as defined by the Data Protection Act 1998. It also recognises that this personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material – and there are safeguards to ensure this is in the Data Protection Act 1998.

Waterton Academy Trust regards the lawful and correct treatment of personal information as very important to its successful operation, and recognises the need to maintain confidence between those with whom it deals and the Trust. It also recognises the need to ensure that it treats personal information lawfully and correctly.

To this end Waterton Academy Trust fully endorses the Principles of data protection, as shown in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

- a) shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- b) shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- c) shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- d) shall be accurate and, where necessary, kept up to date;
- e) shall not be kept any longer than is necessary for that purpose or those purposes;
- f) shall be processed in accordance with the rights of data subjects under the Act;

and that:

appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;

- g) shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## **Status of this Policy**

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the Trust. Any failures to follow the policy can therefore result in disciplinary proceedings.

## **The Data Controller**

Waterton Academy Trust as the corporate body is the Data Controller under the 1998 Act, and the Directors are therefore ultimately responsible for implementation. However, the Designated Data Controllers will deal with day to day matters.

Each academy has a Designated Data Controllers. This is the Headteacher and School Business Manager.

Any member of staff, parent or other individual who considers that the policy has not been followed in respect of personal data about him or herself or their child should raise the matter with the appropriate Designated Data Controller in the first instance.

Waterton Academy Trust also has 2 Designated Data Controllers. These are the Chief Executive Officer and the Chief Operations Officer.

## **Responsibilities of Staff**

All staff are responsible for:

- Checking that any information that they provide to the Trust/academy in connection with their employment is accurate and up to date.
- Informing the Trust/academy of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently.

The Trust cannot be held responsible for any errors unless the staff member has informed the Trust/academy of such changes.

If and when, as part of their responsibilities, staff collect information about other people (e.g. about a pupil's work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out in the Staff Code of Conduct.

## **Data Security**

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Personal information should:

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- If a copy is kept on a removable storage media, that media must be encrypted with bit locker or similar software.

- If required to be transmitted by email, be encrypted using Trust approved encryption methods

### **Rights to Access Information**

All staff, parents and other users are entitled to:

- Know what information the Trust holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the Trust is doing to comply with its obligations under the 1998 Act.

This Policy document and the Trust's Data Protection Code of Practice address in particular the last three points above. To address the first point, the Trust will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the Trust holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the 1998 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the *Subject Access Request Form* and submit it to the Designated Data Controller.

The Trust will make a charge of £10 on each occasion that access is requested, although the Trust has the discretion to waive this.

The Trust aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days, as required by the 1998 Act.

### **Subject Consent**

In many cases, the Trust can only process personal data with the consent of the individual.

In some cases, if the data is sensitive, as defined in the 1998 Act, express consent must be obtained. Agreement to the Trust processing some specified classes of personal data is a condition of acceptance of employment for staff. This included information about previous criminal convictions.

Jobs will bring the applicants into contact with children. The Trust has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job.

The Trust has a duty of care to all staff and pupils and must therefore make sure that employees and those who use our facilities do not pose a threat or danger to other users.

The Trust may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes. The Trust will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

### **Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This may be to ensure that the Trust is a safe place for everyone, or to operate other Trust policies, such as the Sick Pay Policy or the Equal Opportunities Policy.

Because this information is considered **sensitive** under the 1998 Act, staff (and pupils where appropriate) will be asked to give their express consent for the Trust to process this data. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason.

### **Publication of Trust/School Information**

Certain items of information relating to Trust staff will be made available via searchable directories on the public Web site, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to make contact with the Trust.

### **Retention of Data**

The Trust has a duty to retain some staff and pupil personal data for a period of time following their departure, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts.

Different categories of data will be retained for different periods of time.

### **Conclusion**

Compliance with the 1998 Act is the responsibility of all members of the Trust. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution