

*'...those who hope in the LORD will renew their strength.  
They will soar on wings like eagles; they will run and not grow weary,  
they will walk and not be faint.'* Isaiah 40:31

**connect | nurture | aspire | learn | excel | hope**



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Multi Academy Trust Policy

Common Trust Policy, Use as Published

Data Protection

Date adopted by Trust Board: 27/04/2016

Date of Review: n/a

Date of next Review: 01/02/2018

Date adopted by LGB:

## **1. Introduction**

The Data Protection Act 1998 is the law that protects personal privacy and upholds individuals' rights. It applies to anyone who handles or has access to people's personal data. Aquila, the Diocese of Canterbury Multi Academies Trust (hereafter referred to as the MAT) recognises that Academy/Schools will need to hold certain information relating to pupils, parents and staff and for a variety of reasons.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

## **2. Scope of the Policy**

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

The Academy/School collects a large amount of personal data every year including: staff records, names and addresses of those requesting prospectuses, examination marks, references, fee collection as well as the many different types of research data used by the Academy/School. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

## **3. The Eight Principles**

The Act is based on eight data protection principles, or rules for 'good information handling'.

1. Data must be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specific and lawful purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed.
4. Personal data shall be accurate and where necessary kept up to date.
5. Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose.
6. Personal data shall be processed in accordance with the rights of data subjects under the 1998 Data Protection Act.
7. 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.
8. Personal data shall not be transferred to a country outside the EEA, 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.

All staff who process or use personal information must ensure that they follow these principles at all times. In order to ensure that this happens, the Academy Trust has developed this Data Protection 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 MAT from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

#### **4. Responsibilities**

The Data Controller and the Designated Data Controllers.

The MAT as the corporate body is the Data Controller under the 1998 Act, and the Directors are therefore ultimately responsible for implementation. The Head of Finance and Business Services is the Designated Data Controller for The MAT. Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies that are in line with the Act.

The Designated Data Controllers in each Academy/School will deal with day to day matters.

Each Academy/School has two Designated Data Controllers: They are the Headteacher and the Senior Member of the Office staff.

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

The Academy must:

- Manage and process personal data properly
- Protect the individual's right to privacy
- Provide an individual with access to all personal data held on them.

The Academy/School is required to 'notify' the Information Commissioner of the processing of personal data. This information will be included in a public register which is available on the Information Commissioner's website at the following link:

[http://www.ico.gov.uk/what we cover/promoting data privacy/keeping the register.aspx](http://www.ico.gov.uk/what_we_cover/promoting_data_privacy/keeping_the_register.aspx)

Every member of staff that holds personal information has to comply with the Act when managing that information. All staff are responsible for:

- i. Checking that any information that they provide to the Academy/School in connection with their employment is accurate and up to date.
- ii. Informing the Academy/School of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. The Academy/School cannot be held responsible for any errors unless the staff member has informed the Academy/School of such changes.
- iii. Handling all personal data (e.g. – pupil attainment data) with reference to this policy, the Academies confidentiality policy and the guidelines in the staff handbook.

#### **5. Rights to Access Information**

All staff, parents and other users are entitled to:

- i. Know what information the Academy/School holds and processes about them or their child and why.
- ii. Know how to gain access to it.

- iii. Know how to keep it up to date.
- iv. Know what the Academy/School is doing to comply with its obligations under the 1998 Act.

The Academy/School 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 Academy/School 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 make a request in writing and submit it to the Designated Data Controller.

The Academy/School may make a charge on each occasion that access is requested, although has the discretion to waive this.

The Academy/School 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.

## **6. Retention of Data**

The Academy/School has a duty to retain some staff and pupil personal data for a period of time following their departure from the organisation, mainly for legal reasons, but also for other purposes such as being able to provide references. Different categories of data will be retained for different periods of time.

## **7. Conclusion**

The MAT is committed to maintaining the eight principles at all times.

Please follow this link to the ICO's website ([www.ico.gov.uk](http://www.ico.gov.uk)) which provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

## **8. Monitoring and Evaluation**

This policy will be reviewed annual, or if there are changes to relevant legislation