



Data Protection Policy

Approved Autumn 2016

All school policies are reviewed by Governors annually

1 General Statement of the School's Duties

Cheltenham Bournside School and Sixth Form Centre is a company limited by guarantee (company number 07524244) of Warden Hill Road, Cheltenham, GL51 3EF (the "School").

The School is required to process relevant personal data regarding staff, Governors, students (including current, past or prospective students), their parents and carers as part of its operation including, to support teaching and learning, to monitor standards, report on student progress, to support parents, and to provide support and guidance and assess how well the School as a whole is doing. The School shall take all reasonable steps to process personal data in accordance with this Policy and the Data Protection Act 1998.

All members of staff, school governors and people working at the School (whether on a voluntary, permanent or temporary basis) are required to conform to this policy.

Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data.

The School has an e-safety and information technology acceptable use policy that outlines additional responsibilities of data users.

2 Data Protection Officer

The School has appointed the Headteacher as Data Protection Officer (DPO) 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.

3 The Principles

The School shall so far as is reasonably practicable comply with the Data Protection Principles ("the 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 subject's rights;
- Secure;
- Not transferred to other countries without adequate protection;
- Erased if requested by the data subject.

4 Personal Data

Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in the School's possession).

Personal data covers both facts and opinions about an individual. The School may process a wide range of personal data of staff, students, their parents or carers as part of its operation. This personal data may include (but is not limited to);

- Names, addresses, ages and contact details
- Bank details
- Family details and background information
- Academic, disciplinary, admissions and attendance records
- Details of qualifications and certificates
- Records of performance in progress, including copies of reports, letters and related paperwork
- References
- Examination scripts and marks, and results of internal and external assessments
- Welfare related information
- Information from external sources, such as Social Services

5 Processing of Personal Data

Consent may be required for the processing of personal data unless the processing is necessary as part of the School's legitimate operation or to comply with its legal obligations. Information about individual students will be circulated to their teachers and staff will share information with colleagues in order to student support.

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 appropriate individual or under the terms of this Policy.

As a "data controller" the School is required to inform those on whom data is held about the purposes for which their personal data will be processed. In order to fulfil this requirement, the School will publish a privacy notice. This explains how data is processed by the School and disclosed to certain third parties who may have right of access to this data in accordance with the Data Protection Act 1998. The sharing of data with the youth support services is also explained and the right of individuals to withhold some information. As soon as students are able to understand their rights under the Data Protection Act, they can exercise these rights on their own.

6 Sensitive Personal Data

The School may, from time to time, be required to process sensitive personal data regarding staff, students, their parents or carers. Sensitive personal data includes information relating to race or ethnic origin, political opinions, religious beliefs, physical or mental health or condition, sex life, the commission or alleged commission of any offence or related proceedings. Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will generally be required in writing unless an exemption under the Data Protection Act applies.

7 Rights of Access

In accordance with the Data Protection Act individuals have a right of access to their personal data held by the School. Any individual wishing to access their personal data should put their request in writing to the Headteacher. 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.

The School may charge an administration fee for providing this information.

Certain data is exempt from the right of access under the Data Protection Act. This may include information which identifies other individuals, information which the School reasonably believes is likely to cause damage or distress, information relating to safeguarding matters, or information which is subject to legal professional privilege. The School is also not required to disclose any student examination scripts.

The School will also 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 member of staff or 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.

8 Confidentiality

The School fully recognises its responsibility to keep personal data confidential.

Staff and student files will be securely stored and disposed of appropriately. Access to staff files will be limited to the individual concerned, to members of the Senior Leadership Team and to administrative staff with responsibility for maintaining the files. Access to student files will be limited to members of staff with pastoral responsibility for the student and to administrative staff with responsibility for maintaining the files.

The Governors will not divulge details about individual staff or students to any person outside the Governing Body or Senior Leadership Team unless required by law. Any items at Governors' meetings that involve personal information about staff or students will be dealt with and reported as a confidential item.

The consent of parents will usually be sought before any information is given to support services outside the School. Staff will not discuss individual students with any person without direct professional connection to the welfare and education of the student concerned.

Student councils will not discuss individual students or staff in routine meetings. If Student councils are involved in the interview process for members of staff they will not be given any information about the interviewee apart from his or her name.

In lessons teachers will ensure that ground rules require students to treat each other with respect and understand that neither students nor staff are expected to divulge personal information.

9 Use & Disclosure of Information

The School will, from time to time, make use of personal data relating to staff, students, their parents or carers in the following ways. Individuals wishing to limit or object to any such need to notify the Headteacher in writing.

- To make use of photographic images of students in School promotional materials, 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 appropriate individual.
- For fundraising, marketing or promotional purposes and to maintain relationships with students of the School, including transferring information to any association society or club set up for the purpose of establishing or maintaining contact with students or for fundraising, marketing or promotional purposes.
- To publish the results of public examinations or other achievements of students of the School.
- References - To provide a confidential reference relating to a student to any educational institution which it is proposed that the student may attend. To provide a confidential reference relating to a member of staff where the School has been named as a referee by the member of staff.

The School may receive requests from third parties to disclose personal data it holds about staff, students, their parents or carers. 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.

The School is required to pass on some of the data held, as prescribed by law or for the administration of justice. The School acknowledges that the sharing of information can be an essential element in ensuring the interests, wellbeing and safety of students in certain circumstances. The School may disclose information without consent in these cases. The School may also override the lack of consent, where it has been requested but withheld, in these circumstances. In such cases the decision will be taken only by two members of the Senior Leadership Team and the reasons for the decision will be recorded in writing. This may include disclosure to the following;

- Support Agencies - To share information with Social Services, health professionals, and other support agencies of direct relevance to the individual. The School will write reports for the Youth Offending Team when required.
- The Police - the School will provide information if it is in connection with the administration of justice or for the exercise of functions of the Crown or government department or if it is required to do so by law.
- To medical professionals in a medical emergency.

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.

10 Child Protection (see Child Protection and Safeguarding Policy)

Students may, from time to time, disclose personal information to a member of staff that indicates the student is suffering or is likely to suffer, significant harm or be the victim of a crime.

- The member of staff to whom the disclosure was made will not offer unconditional confidentiality but will indicate that they will have to tell someone else if they feel the student is at risk. Students will be encouraged to share the information with their parents. The information may be shared with parents or an appropriate third party agency by the School if the child is thought to be at risk provided informing parents does not put students at risk or they have no interest which would conflict with student's best interests. The decision to inform parents (or the third party) will be taken by a Senior Leadership Team member or Pastoral Head.
- A Child Protection Officer (CPO) will be informed as soon as possible if it is thought that a student is suffering or is likely to suffer, significant harm or has been the victim of a crime:-
 - The CPO will find out whether the student is on the Child Protection Register.
 - On the same day of disclosure of suspicion of abuse, the CPO will contact Social Services and give them full information. The School will then act on the advice of Social Services, involving the police if necessary.
 - It is normal policy for the School to telephone the parents to inform them that Social Services have been contacted. Parents will not be contacted however if it is felt that this would place the student at increased risk in any way, or if Social Services advise the School not to do so.

11 Health Professionals and the School Counsellor

Some students have appointments at School with the School Counsellor following referral by the School. These services are confidential between the counsellor, advisor or health professional and the individual student. No information is shared with the School staff, except as defined in the School's Child Protection and Safeguarding Policy. This is essential to maintain the trust needed for these services to meet the needs of our students. Youth support services are available to all students for advice and discussion in relation to careers.

12 Whose rights

The rights under the Data Protection Act are the individuals 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 in light of the student's age and understanding, it is not necessary 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 the student direct access to their personal data, if in the School's reasonable belief, the student understands the nature of the request.

The School may disclose personal data of students to their parents or carer.

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 carer, 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.

13 Accuracy

The School will use reasonable endeavours to ensure that all personal data held in relation to an individual is accurate. Individuals must notify IT Services of any changes to information held about them to ensure the information the School holds is accurate and up to date. An individual has the right to request that inaccurate information about them is erased or corrected.

The Information and Data Centre have responsibility delegated from the DPO to administer data to ensure the principles set out in part 3, and the aims of the school can be achieved.

14 Security

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 carers where it is necessary for them to do so. All staff will be made aware of this policy and the School's duties under the Data Protection Act. The School will take reasonable steps to ensure that all personal data is held securely and is not accessible to unauthorised persons.

Access to data systems is at the discretion of the DPO and the Information and Data Centre.

15 Enforcement

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 School complaints procedure and should also notify the DPO.

16 Biometric Systems

The school will process students' biometric information in accordance with the Data Protection Act 1998 and the Protection of Freedoms Act 2012. Parents and students will be informed of the type of biometric information to be taken and the purpose for which it will be used. The written consent of at least one parent will be obtained prior to the school processing a student's biometric information and parents and students will be informed of their right to refuse or withdraw consent. Where such consent is refused or withdrawn, the school will provide an alternative to ensure the student is still able to access the school's educational provision.

17 Retention

In keeping with the principle that data will not be kept longer than necessary, the school will retain data for periods according to the guidelines for schools of the Information and Records Management Society (IRMS).

18 Preventing unauthorised access to data

Staff are required to lock computers and mobile devices with passwords/passcodes, or lock access to those devices when left unsupervised to prevent unauthorised access to data.

Personal data may be stored on portable storage devices to aid data transfer, but must be stored securely, deleted or destroyed immediately after use.

Staff should ensure that hardcopy of personal data, including photographs of students with names are stored securely, and discarded to confidential waste when no longer required.

19 Processing Birmingham e-learning Foundation donation forms

The School works in partnership with GBM Computers and the Birmingham e-learning Foundation (Belf) to administer the Technology Enhanced Learning provision. This requires handling of data collection forms, including bank details from parents. These forms will be kept securely by all staff and only transferred to an employee of GBM Computers or Belf. The School accepts no liability for the protection of these data collection forms once they have left the school. The School reserves the right to amend the data on the form without the consent of the parent in order to ensure the data is accurate and up to date.

20 Schoolcomms/School Gateway

The School uses 'Schoolcomms' to share data, and communicate with parents. Such use includes, but is not limited to: detention notifications, absent notifications, bulletins, reminders, emergency information, academic reports, Dining Centre balances, payment for school trips and merchandise, basic personal details, exam timetables, and parent evening appointments.

The use of this system is restricted to key personnel including SLT oversight of the Information and Data Centre, IT Services, Attendance and the Data Leader. All requests for parental communication using this system is directed to, and at the discretion of the Information and Data Centre.