

Data Protection and Freedom of Information Policy

Statement of intent

Kettlebrook Short Stay School (KSSS) is a Pupil Referral Unit (PRU) is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the Data Protection Act 1998.

This policy will outline how KSSS will comply with the key principles of the Data Protection Act:

- Data must be processed fairly and lawfully.
- Data must only be acquired for one or more lawful purposes and should not be processed for other reasons.
- Data must be adequate, relevant and not excessive.
- Data must be kept accurate and up-to-date.
- Data must not be kept for longer than is necessary.
- Data must be processed in accordance with the data subject's rights.
- Appropriate measures must be taken to prevent unauthorised or unlawful access to the data and against loss, destruction or damage to data.
- Data must not be transferred to a country or territory unless it ensures an adequate level of protection for the rights of the subject.

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- **Data controller**

KSSS is the corporate body is the Data Controller.

The Management Committee of KSSS therefore, has overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations.

The School Bursar / H&S Officer / Pupil Placement Officer will deal with the day-to-day matters relating to data protection in conjunction with the Headteacher.

Staff responsibilities

KSSS recognises that its staff members and pupils need to know what the PRU does with the information it holds about them.

All staff members, including members of the Management Committee can receive training in their responsibilities under the Data Protection Act as part of their induction.

Parents/carers can have access to a copy of the Data Protection Policy upon registration of their child at KSSS as well as an overview of the information that KSSS will keep about their child – if they request it in writing to the Headteacher.

Staff members and parents/carers are responsible for checking that any information that they provide to KSSS in connection with their employment or in regard to a registered pupil is accurate and up-to-date.

KSSS cannot be held accountable for any errors unless the employee or parent has informed KSSS about such changes.

Data security

Staff members of KSSS will ensure that personal data is secured in accordance with the provisions of the Data Protection Act by:

- Keeping the data in a locked filing cabinet, drawer or safe.
- Ensuring that computerised data is coded, encrypted or password protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- Where data is saved on removable storage, holding the storage device in a locked filing cabinet, drawer or safe.

KSSS takes its duties under the Data Protection Act seriously and any unauthorised disclosure may result in disciplinary action.

Subject Consent

KSSS understands that subjects have certain legal rights to their personal data, which will be respected.

- KSSS will not process personal data without the consent of the subject, although the processing of data will sometimes be necessary where:
- The processing is necessary for the performance of a contract to which the subject is party or in the taking of steps with a view to entering a contract.
- The processing is necessary for compliance with a legal obligation to which KSSS is subject.
- The processing is necessary for the administration of justice, legal functions of persons or departments, or functions of a public nature exercised in the public interest.
- Where the processing is necessary for the purposes of legitimate interests of KSSS, unless the decision prejudices the rights, freedoms or legitimate interests of the subject.

Staff members of KSSS will be working in close contact with children. Disclosure and Barring Service (DBS) checks will therefore be made a condition of employment in order to ensure that potential employees do not pose a threat or danger.

Sensitive data can only be processed with the explicit consent of the subject, including information relating to a subject's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, their sex life, or the commission of any offence.

Sensitive data will only be processed if:

- It is necessary to protect the subject's vital interests.
- It is carried out in the course of legitimate activities by a not for profit body or association with appropriate safeguards.
- It is necessary for the administration of justice or other legal purposes.
- It has been ordered by the Secretary of State.
- It is necessary to prevent fraud.
- It is necessary for medical purposes.
- It is necessary for equality reasons.
- It was made public deliberately by the data subject.

Rights to access information

All staff members, parents/carers of registered pupils and other users are entitled to:

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

All staff members, parents/carers of registered pupils and other users have the right under the Data Protection Act 1998 to access certain personal data being held about them or their child.

KSSS aims to comply with requests for access to personal information as quickly as possible, but will ensure that it meets its duty under the Data Protection Act to provide it within 40 working days.

KSSS may make a charge, no more than £5.00 on each occasion that access is requested.

However, KSSS, is not obliged to provide unstructured personal data if the administrative cost is deemed to exceed the limit of £450 as contained in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations.

Publication of information

KSSS will publish a publication scheme on its website outlining classes of information that will be made routinely available, including:

- PRU policies and procedures.
- Minutes of meetings.
- Annual reports.
- Financial information.

- Achievement data.
- Relevant information.

Classes of information specified in the publication scheme will be made available quickly and easily on request.

Data retention

The Data Protection Act 1998 states that data should not be kept for longer than is necessary.

In the case of KSSS unrequired data will be deleted as soon as practicable.

Some educational records relating to a former pupil or employee of KSSS may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

Records of DBS checks will be destroyed immediately, although the date that the check was made will be retained with the Headteacher & Bursar.

Challenges and compensation

KSSS understands that staff members and the parents/carers of registered pupils have the right to prevent the processing of personal data if it is likely to cause damage or distress.

Concerns related to the processing of personal data should be raised with the designated Data Controller.

Data subjects reserve the right to take their concerns to a court of law and will be entitled to compensation if it is judged that KSSS contravened the provisions of the Data Protection Act.

Individuals who are not the subject of the data, but suffer damage as a result of the contravention, are also entitled to compensation.

KSSS will immediately rectify, block, erase or destroy any data that a court of law judges to have contravened the requirements of the Data Protection Act.