



Data Protection Policy

(2017-2019)

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| | TO BE REVIEWED BY THE FULL GOVERNORS' COMMITTEE |
| Reviewed in: | October 2017 |
| Governor Name: | K Mistry |
| Governor Signature: | <i>K Mistry</i> |
| Next Review | October 2019 |

Introduction

Our College collects and uses certain types of personal information about employees, students, parents and other individuals who come into contact with our College in order to provide education and associated functions. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Education Authorities (LEA, s) government agencies and other bodies.

This policy is intended to ensure that personal information must be dealt with properly and securely and in accordance with the Data Protection act 1988 (DPA) and other related legislation. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in hard or electronic format.

It is a condition of the DPA to have a nominated data controller

The Data Protection officer for the College is:

MS Lesley Bell-Data Manager

The Data manager will endeavor to ensure that all personal information is processed in compliance with this policy and the principles of the DPA.

Definitions

“Processing refers to any action involving personal information, including obtaining, viewing, recording, copying, amending, adding, deleting, extracting, storing, disclosing, destroying or otherwise using information.

In this policy any reference to students, parents and other individuals who come into contact with the College as part of provision for education and associated functions of our College includes current, past or prospective students, parents and other individuals as described.

For further information about the collection and use of data refer to our Colleges privacy statement available on our website.

Data Protection Principles

The college will comply with the Eight Data Protection Principles as laid down by the DPA which must be followed at all times:

1. Data must be processed fairly and lawfully.
2. Personal data to be processed for specific and lawful purposes that are compatible with the original purpose for which they were obtained.
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 possible kept up to date.
5. Personal data processed for any purpose(s) shall not be kept for longer than it is necessary for that purpose.
6. Personal data shall be processed in accordance with the rights of data subjects under the DPA
7. Appropriate technical and organizational measures shall be taken against unauthorized or unlawful processing of 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.

We are committed to maintaining these principles at all times, this means we will:

- Tell you what purpose we will use the information for when we collect it.
- If information will be shared we will tell you why, with whom and under what circumstances.
- Check the accuracy and quality of information we hold.
- Apply our records management systems to ensure that information is not held longer than necessary.
- Ensure that when information is authorized for disposal it is done appropriately.
- Ensure appropriate security measures to safeguard personal information whether that is held in hard or electronically format.
- Share personal information with others only when it is necessary and legally appropriate to do so, set out clear procedures for responding to requests for access to personal information, known as subject access under the DPA.
- Train our staff so that they are aware of our policies and procedures.
- Update this policy as necessary to reflect best practice or as a result of any amendments to the DPA.

Sensitive personal data

The College may from time to time, be required to process sensitive personal data regarding an employee or a student, their parents or carers. Sensitive personal data includes medical information and data relating to religion, race or criminal records and proceedings.

Where sensitive personal data are processed by the College, the explicit consent of the appropriate individual will generally be required in writing.

Access to personal information

Employees, students and others in the College have the right of access to any personal information that is being kept about them. A request to access them must be made to the Head teacher in writing. (Appendix 1)

Complaints

Complaints should be made following our complaints policy available from our website.

Complaints that involve consideration of personal data or sensitive personal data may be referred to the commissioner under the DPA

Contacts

If you have any concerns or questions in relation to this policy, please contact the Head teacher. Further advice and information is available from the Information Commissioners office:

www.ico.gov.uk

Appendix 1
The City of Leicester College

Procedures for requesting information from the College

Students, parents and staff have the right to access information held by the College. The most important rights are contained in the following legislation:

1. The Data Protection Act 1998
2. The Education (Student Information) (England) Regulations 2005
3. The Freedom of information Act 2000

All requests for information should be made in the same way-by writing to the Head teacher. The College will then determine which act the request falls under and respond accordingly.

- 1) Requests for information under the Data Protection Act:

A request to access personal data must be made in writing to the Head teacher. A non-refundable fee of £10 will be charged in advance, the College will acknowledge receipt of the request as soon as possible after the receipt of the fee and will aim to comply with the request within the statutory period (40 days). Any delay will be explained in writing to the person making the request.

- 2) Requests for information under the Education (Student information) (England) Regulations 2005:

The college will make available a copy of the Student record if requested to do so within 15 school days.

The college will make a charge of the current (0.45p) per sheet of information.
(see also appendix 2)

- 3) Requests for information under the Freedom of Information Act:

A request for information which falls under the Freedom of information act must be made in writing to the Head teacher. The College will acknowledge receipt of the request as soon as possible detailing any costs involved (0.45p per copy of printed paper or cost of USB/Disc) & Postage) and will aim to comply with the request within the statutory period (20 working days). Any delay will be explained in writing to the person making the request. (see also appendix 3)

Appendix 2

Education (Student Information) (England) Regulations 2005

The Regulations

Under these regulations, the governing body of the College must make a **student's educational record** available for inspection by the parent, free of charge within 15 school days of the parents written request for access to that record.

The College must also provide a copy of that record if requested to do so in writing within 15 school days and the fee for this is determined by the Governing body as 0.45p per copied sheet.

The meaning of the parent is wider than the definition of who has parental responsibility. Parent means a person with parental responsibility or who has care of the child. Therefore, where a child is living with grandparents, the grandparents have a right to see the child's educational record even though they may not have parental responsibility which would allow them for example, to change the child's name.

The difference between the Data protection act and the student information regulations is that under the student's information regulations, parents have a right to access the child's data and the child cannot prevent this. These regulations only cover information held in the official student record.

Exemptions

The College must not communicate anything to the parent which it could not communicate to the student himself under the DPA

Therefore, the College should bear in mind other individuals rights under the DPA which could be infringed for example where a student's parents have divorced and the record consists of letters from the student's mother, these should be removed from the record before it is shared with / copied for the father.

College Reports

Every parent is entitled to receive an annual report in respect of their child. Parents also have the right to make arrangements to discuss the content of the report with the child's teacher/s.

This right remains even if a child no longer lives with the parent providing the parent has parental responsibility.

When a child reaches 18 and has not left the College by the end of the academic year to which the report relates, the Head teacher should give the report to the student himself and to the parent unless the Head teacher considers there are special circumstances which make it inappropriate.

In respect of any student who has ceased to become of compulsory school age and has left the College the Head teacher should give the report to the student himself.

Appendix 3 FREEDOM OF INFORMATION ACT 2000

1. INTRODUCTION

From **1 January 2005** when the freedom of information act 200 (FOIA) came fully into force, there is a legal right for any person to ask the College for access to information it holds. The FOIA is overseen by the information commissioner who also has responsibility for The Data Protection Act 1998, and The Environmental information regulations 2004.

- **The Data Protection Act 1998 (DPA)** enables individuals to access information about themselves
- **The Environmental Information Regulations 2004 (EIRs)** enable people to access environmental information and
- **The Freedom of Information Act** enables people to access all other information and the reasoning behind decisions and policies, which do not fall under DPA or EIR

Although FOI presumes openness, it recognizes the need to protect sensitive information in certain circumstances and provides for exemptions.

2. THE COLLEGES OBLIGATIONS UNDER THE FOIA

Colleges are under a duty to provide advice and assistance to anyone requesting information. The enquirer is entitled to be told whether the College holds the information (the duty to confirm or deny) except where certain exemptions apply. A well-managed records and management information system is essential to help the College to meet requests.

There are prescribed time limits for responding for requests for information. Requests should be dealt with within **20 working days** excluding College holidays.

Willfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

A valid FOI request should be in writing to the Head teacher, stating the enquirers name and correspondence request and describe the information requested.

Expressions of dissatisfaction should be handled through the Colleges complaints procedure.