



# **Data Protection & Freedom of Information Policy**

Policy Owner: Steve Garton  
Date last reviewed: March 2015  
Date of next review: March 2018

## **Brackenfield Special School Data Protection Policy**

### **General Statement**

The Head teacher and Governors of the school intend to comply fully with the requirements and principles of the Data Protection Act 1998.

All staff involved with the collection, processing and disclosure of personal data will be aware of the school's duties and responsibilities under the Data Protection Act 1998. Staff will be given training on the requirements of the Act as and when it is considered appropriate.

### **Enquiries**

Information about the School's Data Protection policy is available from the school office and general information about the Data Protection Act can be obtained from the Derbyshire Children and Younger Adults Department Data Protection and Freedom of Information Officer at County Hall : 01629 536470.

### **Fair Obtaining**

The School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for the collection of the data, the purposes for which the data is held, the likely recipients of the data and their right to access that data either under the Education (Pupil Information) (England) Regulations 2005 or the Data Protection Act 1998. Data subjects will be informed about the collection and use of their data through the use of Privacy Notices which will be printed on the appropriate collection forms. There is a general Privacy Notice which can be found on the school's website at [www.brackenfield.derbyshire.sch.uk/](http://www.brackenfield.derbyshire.sch.uk/). If these details are given verbally to the data subject the person collecting the data will explain the issues before obtaining the information.

### **Registered Purposes**

The school's Notification with the Information Commissioner is available, by appointment, for inspection in the school office. Explanation of the codes and categories entered is available from the Head teacher. Information held for the purposes stated on the school's notification document will not be used for any other purpose without the data subject's consent.

### **Data Integrity**

The School undertakes to ensure data integrity by the following methods:

#### **Data Accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the School of a change of circumstances their record will be updated as soon as is practicable. The school has a system to ensure that where a data subject informs the school of a change, all records held are updated.

Where a data subject challenges the accuracy of their data, the School will immediately mark the record as potentially inaccurate (challenged). We shall try to resolve the issue informally but if this is not possible, any disputes will be referred to the Board of Governors for their deliberation.

The school office will occasionally ask you to update your data or check it for accuracy.

If the problem is not resolved at this stage independent arbitration may be sought by either side. Until resolved, the challenged marker will remain and all disclosures of the affected information will contain both versions of the information. In order to prevent such problem areas we shall provide data subjects with opportunities to check their data accuracy and request amendments.

### **Data Adequacy and Relevance**

Data held about people will be adequate, relevant and not excessive to the purpose for which the data is held. In order to ensure compliance with this principle, the School office will check records regularly for missing, irrelevant or seemingly excessive information and may contact data subjects to verify certain items of data. Any irrelevant data will be deleted / disposed of without compromise.

### **Length of Time**

Data held about individuals will not be kept for longer than necessary for the purposes registered. It is the duty of the School Business Assistants, with appropriate guidance, to ensure obsolete data are properly erased.

### **Subject Access**

The Data Protection Act extends to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves, it is essential that a formal system of requests is in place. Where a request for subject access is received in respect of a pupil, the school's policy is that:

- Requests from parents about the data held about their own child will, provided that the child is not of an age or ability to understand the nature of a subject access request, be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.
- Requests from pupils who do NOT understand the nature of the request will be referred to the child's parents.
- Requests from pupils who can demonstrate an understanding of the nature of their request will be processed as any subject access request as outlined below and the copy will be given directly to the pupil.

### **Processing Subject Access Requests**

Students/parents should ask for the Subject Access form available from the School Office and staff should use the Staff Request form available from the Head teacher. Completed forms should be submitted to the school office addressed for the attention of Head teacher.

Provided that there is sufficient information about identity of the requester or their parent to process the request, an entry will be made in the Subject Access log book, indicating the date of receipt, data subject's name, name and address of requester (if different), type of data required (e.g. Student Record, Personnel Record) and planned date of supplying the information (not more than 40 calendar days from the request date).

Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be the date on which sufficient information has been provided.

### **Authorised Disclosures**

In general, the School will only disclose data about individuals with their consent. However, there are circumstances under which it is necessary for the school's authorised officer(s) to disclose data the without express consent of the data subject.

These circumstances are limited to:

- Pupil data disclosed to authorised recipients in respect of education and administration necessary for the school to perform its legitimate duties and obligations.
- Pupil data disclosed to authorised recipients in respect of a pupil's health, safety and welfare.

- Data contained within a Pupil's educational record will be disclosed to the child's parents if requested in accordance with Educational (Pupil Information) (England) Regulations 2005.
- Staff data disclosed to the relevant authority in respect of payroll and school's staff administration

Other disclosures as may prove unavoidable, for example where an incidental disclosure occurs when an engineer is fixing the computer systems. In such cases, the engineer will sign a document to undertake NOT to disclose such data outside the school. Local Authority IT Liaison/Support Officers are professionally bound not to disclose such data. Only authorised and properly instructed staff are permitted to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare workers must be made available only if the staff member **needs to know** the information for their work within the school.

### **Data and Computer Security**

The School undertakes to ensure security of personal data by the following general methods – (for security reasons we cannot reveal precise details in this document):

#### **Physical Security**

Appropriate building security measures are in place, such as: building alarm, window grilles, lockable cabinets and CCTV. Only authorised persons are allowed in the server. Visitors to the school are required to sign in and out and are, where appropriate, accompanied.

#### **Logical Security**

Security software is installed on all computers containing personal data, only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly. All removable devices are / must be encrypted.

#### **Procedural Security**

In order to be given authorised access to the computer, staff will be properly checked. All staff are trained and instructed in their Data Protection obligations and their knowledge updated as necessary. All personal (hard copy) data is disposed of by shredding.

Overall security policy is determined by the Head teacher and will be monitored and reviewed as appropriate and whenever a major security breach or loophole is apparent. The School's security policy is kept in a safe place at all times. Any queries or concerns about security of data within the school should be brought to the attention of the Head teacher, via the school office.

Any deliberate breach of this Data Protection policy will be treated as a disciplinary matter and serious breaches of the Act may lead to dismissal.

Further details on any aspect of this policy and its implementation can be obtained from the school.

## Appendix 1

### Data Protection Act 1998 Request Form for Subject Access to School Files

#### Request for Access to Personal Data

Under the Data Protection Act 1998, you have the right to enquire of any organization whether they hold your personal data and to see a copy of that data. Individuals are called 'data subjects' in the Act.

If you require copies of data we may hold, please complete all sections below and return this form together with the necessary verification details. The information on the form will only be used to process your request and find information which relates to you. It will be kept on file to respond to any subsequent correspondence, and will not be used for any other purpose. A response will be provided within 40 days of receipt of the completed form and proof of identity.

#### 1. Details of Person Requesting Information

Full Name:

Date of Birth:

Address:

Tel. No. Fax No. E-Mail

Other Address Details (if less than 3 years at above address)

#### Are You the Data Subject?

**YES:** If you are the Data Subject please supply evidence of your identity – passport, driving licence or birth certificate (**originals only**) sent by special delivery unless you are able to bring them in person. Documents will be returned by special delivery. (Please go to question 7.)

**NO: Are you acting on behalf of the Data Subject with their written authority? If so, that authority must be enclosed. (Please complete questions 5 and 6)**

**5. Details of the Data Subject (if different to 1.)**

Full name

Date of Birth

Address

Tel. No. Fax No. E-Mail

**6. Please describe your relationship with the Data Subject that leads you to make this request for information on their behalf.**

**7. Please describe the information you require:**

**8. Please add any additional details (such as relevant dates, contact names, references etc.)**

**9. Does the information requested include information relating to another person (a 3<sup>rd</sup> party)?**  
**YES/NO**

**10. Do you wish to view the information in person? YES/NO (information will otherwise be supplied in hard copy to the address supplied above)**

**Signed Date**



The above member of staff has requested Subject Access rights to personal data held in Derbyshire County Council files under the Data Protection Act 1998. Please search your data files and forward to me details of the personal data requested on this employee, as defined within the Act.

Signed: Date:

(Head teacher or Chair of Governors)

Please tick the personal data you wish to have access to:

Type of Personal Data	Please tick ✓
Employment details –	
Specify –	
Personal details	
Health and medical records	
Financial records	
Pay records	
Pension records	
Car allowance/loan	
Telephone allowance	
Training/development records	
Disciplinary records	
Trade union membership records	
Other (please specify)	

## **BRACKENFIELD SPECIAL SCHOOL**

### **FREEDOM OF INFORMATION POLICY**

#### **1. Introduction**

One of the aims of the Freedom of Information Act 2000 (FOIA) is that Public Authorities, including all maintained schools, should be clear and proactive about the Information they will make public.

#### **2. Publication Scheme**

To do this we must produce a publication scheme, setting out:

- The classes of information which we publish or intend to publish;
- The manner in which the information will be published; and
- Whether the information is available free of charge or on payment.

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is available in paper form. Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

#### **3. Aims and Objective**

The school aims to:

- enable every child to fulfil their learning potential, with education that meets the needs of each child
- help every child develop the skills, knowledge and personal qualities needed for life and work; and this publication scheme is a means of showing how we are pursuing these aims.

#### **4. Categories of information published**

The publication scheme identifies information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as 'classes'. Further details are given in paragraph 7.

The classes of information that we undertake to make available are organised into four broad topic areas:

- School Prospectus – information published in the school prospectus
- Governors' Documents – information published in the ratified minutes of Governing Body meetings
- Pupils & Curriculum – information about policies that relate to pupils and the school curriculum
- School Policies and other information related to the school - information about policies that relate to the school in general.

## 5. How to request information

A paper version of any of the documents within the scheme is available from school. Please contact the school for further information via the various means below:

Email: enquiries@brackenfield.derbyshire.sch.uk

Tel: 01159 733710

Fax: 01159 721272

Contact Address: Brackenfield School, Bracken Road, Long Eaton,  
Nottinghamshire NG10 4DA

To help us process your request quickly, please clearly mark any correspondence **“PUBLICATION SCHEME REQUEST”** (in CAPITALS please)

If the information you’re looking for isn’t available via the scheme you can still contact the school to ask if we have it.

If a request for other information is made, the Head Teacher, if necessary following consultation with the chair of governors, will decide if the information may be made available and at what price.

## 6. Paying for information

Single copies of information covered by this publication are provided free unless stated otherwise in section 7. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know the cost before fulfilling your request. Where there is a charge this will be indicated by a £ sign in the description box.

## 7. Classes of Information Currently Published

**School Prospectus** – this section sets out information published in the school prospectus.

### **Class Description School Prospectus**

The statutory contents of the school prospectus are as follows, (other items may be included in the prospectus at the school’s discretion):

- the name, address and telephone number of the school, and the type of school
- the names of the Head Teacher and chair of governors
- information on the school policy on admissions
- details of any affiliations with a particular religion or religious denomination,
- a statement of the school's ethos and values
- the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils
- information about the school's policy on providing for pupils with special educational needs
- number of pupils on roll and rates of pupils’ authorised and unauthorised absences
- National Curriculum assessment results for appropriate Key Stages, with national summary figures
- the arrangements for visits to the school by prospective parents

## **Instrument of Government**

- the name of the school
- the category of the school
- the name of the governing body
- the manner in which the governing body is constituted
- the term of office of each category of governor if less than 4 years
- the name of any body entitled to appoint any category of governor
- details of any trust
- if the school has a religious character, a description of the ethos
- the date the instrument takes effect

## **Minutes 1 of meeting of the governing body and its committees**

Agreed minutes of meetings of the governing body and its committees [current and last full academic school year].

1 Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this

**Pupils & Curriculum Policies** - This section gives access to information about policies that relate to pupils and the school curriculum.

### Class Description

Home – School agreement

Statement of the school's aims and values, the school's responsibilities, the parental responsibilities and the school's expectations of its pupils for example homework arrangements

### Curriculum Policy

Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school

### Sex Education Policy

Statement of policy with regard to sex and relationship education

### Special Education Needs Policy

Information about the school's policy on providing for pupils with special educational needs

### Accessibility Plans

Plan for increasing participation of disabled pupils in the school's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils.

### Race Equality Policy

Statement of policy for promoting race equality

### Collective Worship

Statement of arrangements for the required daily act of collective worship

Child Protection Policy

Statement of policy for safeguarding and promoting welfare of pupils at the school.

Pupil Discipline Statement of general principles on behaviour and discipline and of measures taken by the Head Teacher to prevent bullying.

**School Policies and other information related to the school** - This section gives access to information about policies that relate to the school in general.

### **Class Description**

Published reports of Ofsted referring expressly to the school

Published report of the last inspection of the school and the summary of the report and where appropriate inspection reports of religious education in those schools designated as having a religious character

Charging and Remissions Policies

A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition, trips, School session times and term dates

Details of school sessions, dates of school terms and holidays

Health and Safety Policy and Risk Assessment

Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy

Complaints procedure

Statement of procedures for dealing with complaints

Performance Management of Staff

Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the Head Teacher on the effectiveness of appraisal procedures

Staff Conduct, Discipline and Grievance

Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance

Curriculum circulars and statutory instruments

Any statutory instruments, departmental circulars and administrative memoranda sent by the DCSF to the Head Teacher or governing body relating to the curriculum.

## 8. Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to **the Head Teacher**.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

**Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9**

**5AF**

or

**Enquiry/Information Line: 01625 545 700**

**E Mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk).**

**Website : [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)**

Policy written: Mar 2015

Policy to be reviewed: Mar 2018

Signed .....(Head Teacher)

Signed .....(Chair of Governors)

Brackenfield Special School