

MARLFIELDS PRIMARY ACADEMY

Data Protection and Privacy Notice Policy

Policy Author (s)	Mrs S Isherwood
Responsible Committee	Resources
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Contents

1. Aims	3
2. Legislation and guidance	3
3. Definitions	3
4. The data controller	4
5. Data protection principles	4
6. Roles and responsibilities	4
7. Privacy/fair processing notice	5
8. Subject access requests	6
9. Parental requests to see the educational record	7
10. Storage of records	8
11. Disposal of records	8
12. Training	8
13. Monitoring arrangements	8
14. Links with other policies	8

1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents, governors and visitors is collected, stored and processed in accordance with its legal obligations under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA), amended January 2021.

Marfields Primary Academy may, from time to time, be required to share personal information about its staff or pupils with other organisations, mainly the LA, other schools, educational bodies and children services.

This policy is in place to ensure all Trust Board members and staff are aware of their responsibilities and outlines how the Trust complies with the core principles of the UK GDPR.

This policy applies to all data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the [Data Protection Act 2018](#) and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

It also takes into account the provisions of the [UK General Data Protection Regulation](#).

In addition, this policy complies with amended version of regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

This policy complies with our funding agreement and articles of association.

3. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including any information which on its own, or when combined with other readily available information, leads to a person being identified. This includes for example name, location data, online identifier etc.
Sensitive (special category) personal data	Data such as: <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious beliefs, or beliefs of a similar nature• Where a person is a member of a trade union• Physical and mental health• Sexual orientation• Whether a person has committed, or is alleged to have committed, an offence• Criminal convictions

Processing	Obtaining, recording or holding, altering, sharing or destroying personal data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

4. The data controller

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Principal.

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

5. Data protection principles

The UK GDPR, tailored by the Data Protection Act 2018 is based on the following six data protection principles, along with various safeguards which must be adhered to:

1. Processing must be lawful, fair and transparent
2. Purposes must be specified, explicit and legitimate
3. Personal data must be adequate, relevant and not excessive
4. Personal data must be accurate and kept up to date
5. Personal data must not be kept for longer than is necessary
6. Personal data must be processed in a secure manner

6. Roles and responsibilities

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 2018.

Day-to-day responsibilities rest with the Principal, or a member of the Senior Management Team in the Principal's absence. The Principal will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

7. Privacy/fair processing notice

7.1 Pupils and parents

Pupil data is essential for the schools' operational use. We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Safeguarding information (such as professional involvement)
- Attendance
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the Principal.

8. Subject access requests

Under the data protection legislation, parents and pupils have a right to request access to information the school holds about the pupil. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter or email. Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply.

Number of pages of information to be supplied	Maximum fee (£)
1-19	1.00
20-29	2.00
30-39	3.00
40-49	4.00
50-59	5.00
60-69	6.00

70-79	7.00
80-89	8.00
90-99	9.00
100-149	10.00
150-199	15.00
200-249	20.00
250-299	25.00
300-349	30.00
350-399	35.00
400-449	40.00
450-499	45.00
500+	50.00

If a subject access request does not relate to the educational record, we will respond within 40 calendar days. In this case, the maximum charge that will apply is £10.00.

9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

Parents of pupils at this school do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

10. Storage of records

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

11. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override or erase electronic files. We may also use an outside company to safely dispose of electronic records.

12. Training

Our staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

13. Monitoring arrangements

The Principal is responsible for monitoring and reviewing this policy.

The Principal checks that the school complies with this policy by, among other things, reviewing school records against a [Data Protection Toolkit](#) on a regular basis.

This document will be reviewed **every 2 years** or before if legislation changes.

At every review, the policy will be shared with the governing board.

14. Links with other policies

This data protection policy and privacy notice is linked to the freedom of information publication scheme.