



# Data Protection Policy

Responsible for policy    The Romero Catholic Academy – The Hub

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## Introduction

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### **The Romero Catholic Academy Company Registration Number 09702162,**

#### **Data Protection Policy under the Data Protection Act 1998**

The **Romero Catholic Academy** collects and uses personal information about staff, pupils, parents and other individuals who come into contact with The Romero Catholic Academy. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that The Romero Catholic Academy complies with its statutory obligations. This policy applies to all personal and sensitive personal data processed and stored by or on behalf of The Romero Catholic Academy whether in manual (paper based) files or in electronic format. It aims to protect and promote the rights of individuals and The Romero Catholic Academy.

The Romero Catholic Academy has a duty to be registered with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are available on the ICO's website. The Romero Catholic Academy also have a duty to issue a Privacy Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

For this purpose under the Data Protection Act, The Romero Catholic Academy is the data controller and is responsible for the implementation and monitoring of this policy.

#### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

The Data Protection Act 1998 is designed to protect individuals and personal data, which is held and processed on their behalf. The Act defines the individual as the 'data subject' and their personal information as 'data'.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

### Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under this Act;
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area 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.

### General Statement

The Romero Catholic Academy is committed to maintaining the above principles at all times. Therefore The Romero Catholic Academy will:

- inform individuals why the information is being collected when it is collected;
- inform individuals when their information is shared, and why and with whom it was shared;
- check the quality and the accuracy of the information it holds;
- ensure that information is not retained for longer than is necessary;
- ensure that when obsolete information is destroyed that it is done so appropriately and securely;
- ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded;
- share information with others only when it is legally appropriate to do so;
- set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests;
- ensure our staff are aware of and understand our policies and procedures.

## **Roles and Responsibilities**

**The Board of Directors** – is responsible for overseeing that the is MAC compliant with the Data Protection Act and delegation to the appropriate Academy Principal and Local Academy Committees for the individual academies or the Academy Business Director for the MAC (Multi Academy Company).

**The Academy Business Director** – Day to day responsibility for the implementation of the Data Protection Act and, the provision of advice, guidance, publicity and interpretation of this policy for the MAC.

**Local Academy Committee** – To oversee and audit the implementation of the Data Protection Policy within their own academy.

**Academy Principal** - Day to day responsibility for the implementation of the Data Protection Policy, the provision of advice, guidance, publicity and interpretation of this policy for their own individual academy.

**Data Protection Officer (MAC)** – To oversee Data Protection and Freedom of Information responsibilities within the MAC and ensure compliance with the relevant Legislation. To develop good practices that are compliant. To communicate internal policies and procedures and deliver up to date and relevant training. To handle data related queries or complaints, and log and respond to any Subject Access and Freedom of Information requests for both the MAC and the individual schools. To alert the organisation to any risks that may arise and liaise with the Information Commissioners Officer (as necessary).

**Data Protection Officer (School)** – To oversee Data Protection and Freedom of Information responsibilities within the school and ensure compliance with the relevant legislation. To become the subject matter expert regarding all matters relating to Data Protection and Freedom of Information Act. To be the point of contact between the school and the MAC Data Protection Officer cascading any training and updates and co-ordinating any Subject Access or Freedom of Information requests within the school.

### **Subject Access Requests**

#### **Procedures for responding to subject access requests made under The Data Protection Act 1998**

##### **Rights of access to information**

There are two distinct rights of access to information held by The Romero Catholic Academy.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (England) Regulations 2005 (Pupil Information Regulations).

These procedures relate to subject access requests made under the Data Protection Act 1998.

##### **Actioning a subject access request**

1. Requests must be made in writing. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement*(This list is not exhaustive).*
3. Any individual has the right of access to information held about them.

However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Romero hub as the initial first point of contact will pass the request to the relevant academy Principal who will discuss with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The Romero Catholic Academy may make a charge for the provision of information, dependent upon the following:

- should the information requested contain an educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records the Romero Catholic Academy can charge up to £10 to provide it.
- if the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information up to a maximum of £50 can be made by the Romero Catholic Academy.

5. The response time for subject access requests is as follows:-

- 40 days (**not working or academy days but calendar days, irrespective of academy holiday periods**). However the 40 days will not commence until after receipt of fees, identification or clarification of information sought.
- 15 days for requests that in whole or in part contain a pupil's educational record, is 15 days.
- For subject access requests relating to information about the outcome of academic, professional or other examinations – if the request is received prior to the announcement of the results the response time 5 months of the date of request, and if the request is received after the announcement of the results the response time is within 40 days of the date of request once identification, fees and clarification of the request have been processed.

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **Therefore all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the Romero Catholic Academy with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used

## **Personal Data Breach**

### **Procedures for responding to a personal data breach under The Data Protection Act 1998**

A personal data breach is:-

“A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a public electronic communications service”.

If, despite the security measures you take to protect the personal data you hold, a breach of security occurs, it is important that you deal with the security breach effectively. The breach may arise from a theft, a deliberate attack on your systems, from the unauthorised use of personal data by a member of staff, or from accidental loss or equipment failure. However the breach occurs, you must respond to and manage the incident appropriately.

There are four important elements to any breach-management plan:

1. Containment and recovery – the response to the incident should include a recovery plan and, where necessary, procedures for damage limitation.
2. Assessing the risks – you should assess any risks associated with the breach, as these are likely to affect what you do once the breach has been contained. In particular, you should assess the potential adverse consequences for individuals; how serious or substantial these are; and how likely they are to happen.
3. Notification of breaches – informing people about an information security breach can be an important part of managing the incident, but it is not an end in itself. You should be clear about who needs to be notified and why. You should, for example, consider notifying the individuals concerned; the ICO; other regulatory bodies; other third parties such as the police and the banks; or the media.  
  
You must also notify the Romero Hub office who will record the breach in the breach log and notify the ICO on your behalf.
4. Evaluation and response – it is important that you investigate the causes of the breach and also evaluate the effectiveness of your response to it. If necessary, you should then update your policies and procedures accordingly.

## **Privacy Notice Data Protection Act 1998**

The Romero Catholic Academy are a data controller for the purposes of the Data Protection Act. We collect information from you, and may receive information about you from your previous employment (if you are a member of staff), school (if you are a pupil or student) and the Learning Records Service. We hold this personal data and use it to:

- Support our teaching and learning;
- Monitor and report on pupil and student progress;
- Provide appropriate pastoral care
- Assess how well the academy is doing
- Carry out our duties as your employer

For staff this information includes your contact details, salary details, attendance and performance information, and any relevant medical information.

For pupils this information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

We will not give information about you to anyone outside The Romero Catholic Academy without your consent, unless the law and our rules allow us to. We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE).

Once pupils are aged 13 or over, we are required by law to pass on certain information to the provider of youth support services in our area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the address of you and your parents (and your date of birth) and any further information relevant to the support services' role.

However, until you are aged 16 or older, your parent(s) can ask that no information beyond your name, address and date of birth (and their name and address) be passed on to the youth services provider. This right transfers to you on your 16th birthday.

**Please inform the school if this is what you or your parents wish.**

If you require more information about how the DfE store and use your information, then please go to the following website:

<https://www.gov.uk/dataprotectionhowwecollectandshareresearchdata>

### **Contacts and Complaints**

Contact details are set out below, or you can visit our website at [www.romeromac.com](http://www.romeromac.com) If you have any enquires in relation to this policy, you require further assistance or wish to make a complaint about the above procedures, then this should be addressed to;

Administrative Assistant to the Board of Directors

**Email:** [office@romero.coventry.sch.uk](mailto:office@romero.coventry.sch.uk)

**Telephone:** 02476 451888

**Contact Address:**

The Romero Catholic Academy,  
C/o Corpus Christi Catholic Primary School  
Langbank Avenue,  
COVENTRY  
CV3 2QP

## Related Policies

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The Romero Catholic Academy – Freedom of Information Policy

The Romero Catholic Academy – Disciplinary Policy

The Romero Catholic Academy – Whistleblowing Policy