

Blackburn with Darwen L.A.

## **DATA PROTECTION POLICY**

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### **1.0 Aim of this Policy**

The purpose of this policy is to provide information and guidance on the principles of the Data Protection Act 1998 ('the Act'). The Act has two principle purposes:

- i. to regulate the use by those (known as data controllers) who obtain, hold and process personal data on individuals; and
- ii. to provide certain rights to those individuals whose data is held.

Personal data can be obtained, used, shared and kept to provide services, look after people's interests and support the school's objectives. Data protection supports efficient working and reinforces the school's objective to provide appropriate and personalised services.

### **2.0 Scope of Policy and Procedure**

This policy applies to all employees, school Governors and anyone else that holds personal information.

### **3.0 The Data Protection Act 1998**

#### **3.1 The Eight Principles**

The Act is based on eight principles that explain how personal data should be used. Compliance with these principles ensures data is secure, well managed, accurate and available. The Act is administered by the Information Commissioner. The school must abide by the principles of the act which determine that personal data:

1. Must be processed fairly and lawfully;
2. Must be processed only for specified purposes;
3. Must be adequate, relevant and not excessive;
4. Must be accurate and kept up to date;
5. Must not be kept for longer than is necessary;
6. Must be processed in accordance with the rights of data subjects;
7. Must be protected by appropriate security;
8. Must not be transferred outside the European Economic Area without adequate protection.

#### **3.2 The Storing of Information**

Employee, child and parent information must be stored securely. Practical security should be considered and all sensitive information should be held securely. The Act stipulates that records should be kept for no longer than necessary. Each school must ensure that records which are no longer required for business use are reviewed as soon as practicable so that ill-considered destruction is avoided. A review will determine whether records are to be selected for permanent preservation, destroyed, digitised to an electronic format or retained by the organisation for research or litigation purposes.

The Records Management Toolkit for Schools document provides a detailed account of the length of time various documents should be retained by schools and is available on the IRMS website. The full document can be viewed by clicking [here](#).

#### **3.3 Employee Rights**

An employee has the right to see what information the school holds about them - this is called a Subject Access Request. A copy of the Subject Access Request Form is available on the intranet. This form can be printed and sent to the school. Alternatively, employees can confirm their request via email or in writing.

When a request is made, the employee may be asked to supply proof of identity or answer relevant security questions. To assist in providing a speedy response to the request, an employee should indicate what information they require access to. As much information as possible should be given as this will help to ensure that the employee receives all the information they need.

In addition to the right to access data, employees also have the right:

- to prevent their personal data being processed, if that processing is likely to cause them or someone else to suffer substantial damage or distress which is unjustified. If an employee

feels the school is processing data in such a way, they should contact the School's Data Protection Officer or contact the Information Commissioners Office;

- to have incorrect information held about them amended or destroyed. If an employee feels the school holds details which are incorrect, they should contact the School's Data Protection Officer.

### **3.4 Application for subject access**

The Act gives employees the right to see a copy of personal information held about them. If an employee wishes to see information held about them they should complete the Subject Access Request form. Alternatively, the request can be handed in to the school office or given directly to the School's Data Protection Officer.

The Employee's responsibilities are:

- to apply in writing;
- to establish their identity by providing suitable ID or answering relevant security questions;
- specify what data you would like to see in order to help find the information.

On receipt of a Subject Access Request the School must:

- acknowledge the Subject Access Request in writing;
- inform the employee if they hold any personal data about them;
- reply within 40 days.

The school does not charge any fee for subject access requests.

### **4.0 Data Protection Officer and Network**

There is a legal requirement for the school to have a nominated member of staff with specific responsibility for data protection policy, advice, training and good practice.

The school will maintain a network of staff trained in data protection issues who are available to provide advice to staff in all areas of the school and assist the Senior Information Risk Officer (SIRO), the Principal Audit and Assurance Officer and the School's Data Protection Officer.

### **5.0 Independent Advice**

If you would like independent advice about data protection you can contact:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Tel: 0303 123 1113 Fax: 01625 524510

Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

**6.0 Policy Review**

This policy will be reviewed in accordance with any changes to statutory legislation and in consultation with the recognised trade unions.

**Approving Body and Date**

Signed on behalf of Management Committee ..... (Chair)

Date..... Reviewed .....