



# Witton Middle School

## Data Protection/ Access to Information Policy

As a school we collect, administer and manage personal data from children/parents/carers on a day to day basis. As such, we are considered to be a 'Data Controller' under the Data Protection Act, 1998 (DPA).

The DPA and the Freedom of Information Act, 2000 (FoIA) extend the rights of individuals (in this case pupils and their parents/carers) to access information held about them and find out how schools use their personal data.

### 1. NOTIFICATION TO THE INFORMATION COMMISSIONER

Witton Middle School is registered with the Information Commissioner's Office as a requirement of the Data Protection Act, 1998.

### 2. COLLECTION OF PERSONAL INFORMATION

Witton Middle School holds information on pupils in order to support their learning and teaching, to monitor and report on their progress, to provide appropriate pastoral care and to assess how well the school as a whole is doing. This information includes contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time schools are required to pass on some of this data to Local Authorities (LAs), the Department for Education (DfE) and to agencies that are prescribed by law, such as the Standards and Testing Agency (STA), Ofsted, Department of Health (DH) and NHS Trust Development Authority.

The **Local Authority** uses information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them. LAs have a duty under the Children Act 2004 to cooperate with their partners in health and youth justice to improve the well-being of children in their areas. As part of this duty they will be required to maintain the accuracy of the information held on the Information Sharing (IS) Index about children and young people in their area.

The **Standards and Testing Agency** uses information about pupils to administer national curriculum assessments throughout Key Stages 1 to 3. This includes both assessments required by statute and those that are optional. The results of these are passed on to DfE to compile statistics on trends and patterns in levels of achievement.

**Ofsted** uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual pupils.

The **Department of Health** uses aggregate information (at school year group level) about pupils' height and weight for research and statistical purposes, to inform, influence and improve health policy and to monitor the performance of the health service as a whole. The DH will base performance management discussions with Strategic Health Authorities on aggregate information about pupils attending schools in the Clinical Commissioning Group (CCG) to help focus local resources and deliver the Public Service Agreement target to halt the year on year rise in obesity among children under 11, in the context of a broader strategy to tackle obesity in the population as a whole. The Department of Health will also

provide aggregate CCG level data to the Care Quality Commission for performance assessment of the health service.

The **NHS Trust Development Authority** use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them. Information on the height and weight of individual pupils may however be provided to the child and its parents/carers and this will require the CCGs to maintain details of pupils' names for this purpose. CCGs may also provide individual schools and LAs with aggregate information on pupils' height and weight.

The **Department for Education** uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to LAs and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school.

The Children Act 2004 provides for the Secretary of State to issue Regulations requiring the "governing body of a maintained school in England" to disclose information for inclusion on the Information Sharing (IS) Index. The purposes of the index are to:

- help practitioners working with children quickly identify a child with whom they have contact;
- determine whether that child is getting the universal services (education, primary health care) to which he or she is entitled; and
- enable earlier identification of needs and earlier, more effective action to address these needs by providing a tool to help practitioners identify which other practitioners are involved with a particular child; and
- encourage better communication and closer working between practitioners.

The index will hold for each child or young person in England:

- basic identifying information: name, address, gender, date of birth and a unique identifying number based on the existing Unique Identifying Number/National Insurance Number;
- basic identifying information about the child's parent/carer;
- contact details for services involved with the child: as a minimum school and GP Practice but also other services where appropriate; and
- the facility for practitioners to indicate to others that they have information to share, are taking action or have undertaken a common assessment in relation to a child.

The index will NOT record statements of a child's needs, academic performance, attendance or clinical observations about a child.

All practitioners and system support staff (in LAs who will be responsible for maintaining the data) will have to have relevant training and to have undergone rigorous checks and appropriate security clearance procedures. To ensure high standards of accuracy, information on the IS Index will be drawn from a number of sources including the termly School Census from which, from January 2007, pupils' home address will be collected.

The DfE will also provide Ofsted with pupil data for use in school inspections. Where relevant, pupil information may also be shared with post 16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans.

Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression and to provide comprehensive information back to LAs and learning institutions to support their day to day business. The DfE may also use contact details from these sources to obtain samples for statistical surveys: these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results. This data sharing will be approved and controlled by the Department's Chief Statistician.

The DfE may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician.

**ParentMail2** use information provided by the school to enable contact to be made by the school, either by e-mail or text. This information is not shared with other parties.

**Accelerated Reader** uses school data (eg name, date of birth, admission number); this information is not shared with other parties. Accelerated Reading is used by the Librarian.

3. **USE OF PHOTOGRAPHS**

A. **Use of official photographs and videos by the school and use of photographs taken by the press with school authorisation**

The Headteacher and Governors ensure that they send out a proforma to parents/carers which states that such photography, and associated use of the pupil's name, will be permitted by the school, unless the parents/carers explicitly and specifically object, by returning the proforma with a negative response. This includes use on the school's website.

B. **Unofficial photographs and videos of school events taken by parents/carers and others**

On occasions when parents/carers are invited to school activities/performances, permission must be sought from a member of staff should they wish to take photographs/videos at school events for personal/domestic use. The school cannot guarantee that other children will not be photographed or filmed in such circumstances but will endeavor to remind parents/carers of their responsibilities on such occasions.

4. **SUBJECT ACCESS**

The school will provide access to personal information on request from a parent/carer within 15 working days of the request, with the following exceptions:

- Examination marks and scripts, before these have been announced
- Anything which on release would be likely to endanger the health of the individual
- Anything which on release would be likely to prejudice crime prevention

If the request cannot be met without releasing personal data about another individual, the request can be refused, unless the other individual has given consent. As there are some exceptions to this, advice will be sought from the County Council's Data Protection Officer in specific instances.

A charge (to be agreed in each individual case) will be made for access to 'educational records'.

5. **RETAINING AND DESTROYING INFORMATION**

Witton Middle School follows Worcestershire County Council retention schedules to comply with the Freedom of Information and Data Protection Acts as follows:

<b>SCHOOL SPECIFIC RECORDS</b>	
<b>Class registers (ie daily registers)</b>	Retained for three years after last entry and then destroyed (can still be accessed electronically if required)

<b>Pupil files</b>	Passed to receiving school when child leaves Witton Middle School or forwarded to the Corporate Information Management Unit for archiving
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6. **SECURITY OF INFORMATION**

Witton Middle School keeps all personal data safe and secure, whether it is paper based or electronic.

7. **PUBLICATION SCHEME**

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

**School Prospectus and Handbook**

**Governors' Documents:** information published in governing body documents

**Pupils and Curriculum:** information about policies that relate to pupils and the school curriculum

**Schools Policies and other information relating to the school in general**

Copies will be provided upon written request if they are not already in general circulation. No charge will be made for single copies.

8. **REQUESTS**

If a request is received in writing for information not covered by the school's Publications Scheme, a response will be given within 20 working days (unless the request is for personal information). The school will then either confirm or deny it holds the information, or produce the information in whatever format the applicant reasonably requires.

If the information requested is in the Publication Scheme (above) there will be no charge for single copies. If the information is not in the Scheme, FoIA fees regulations will be applied; once a fee is requested, the 20 day clock stops and does not start again until payment is received.

The following information is exempt from disclosure:

- information already in the public domain, or intended for publication shortly;
- disclosure would constitute an actionable breach of confidence (Legal Services to advise in each case;)
- disclosure is prohibited by legislation/a court order;
- disclosure would prejudice prevention/detection of crime/law enforcement/criminal proceedings;
- disclosure would prejudice audit or regulatory functions;
- disclosure would be likely to endanger mental/physical health of any individual;
- disclosure would prejudice commercial interests;
- the information is subject to legal professional privilege.

<b>Prepared by:</b> <i>Headteacher</i>	<b>Responsibility of:</b> <i>Headteacher</i>
<b>Agreement Date:</b> <i>Autumn 2015</i>	<b>Review Date:</b> <i>Autumn 2017</i>
<p>This Policy was prepared giving due regard to the disabilities and/or special education needs, age, race, religion or belief, sex/sexual orientation, gender/gender reassignment, marriage and civil partnership, pregnancy and maternity of the children and staff at Witton Middle School and its community.</p> <p>This Policy appears on the School's website.</p>	