



The Levels Academy Trust

Raising Aspirations, Realising Potential TOGETHER

Data Protection Policy

Date adopted:

18/10/16

Signature:

Review date: October 2017

The Levels Academy comprises four schools, namely:
Hambridge Primary School (including Hambridge and Barrington Pre-Schools)
Huish Episcopi Primary School
Middlezoy Primary School
Othey Village School

This policy has been reviewed to cover each of the above schools.

Introduction

Information sharing is key to The Level's Academy goal of delivering better and more efficient services that are coordinated around the needs of our service users. However we recognise that the more we share information, the more important it is that people are confident that their personal data is kept safe and secure.

The Data Protection Act 1998 (DPA) covers any information held about a living, identifiable individual. It gives individuals the right to know what information The Levels Academy holds about them. It also provides a framework to ensure that the Trust handles personal information properly.

The Data Protection Act creates rights for those who have their data stored, and responsibilities for those who process personal data. It applies only to living people.

The Act works in two ways. Firstly, it states that anyone who processes personal information must comply with the eight principles below.

The second area covered by the Act provides individuals with important rights, including the right to find out what personal information is held by the Trust on computer and most paper records.

The person who has their data processed has the right to: -

View the data an organisation holds on them for a small fee, known as 'subject access fee'

Request that incorrect information be corrected. If the company ignores the request, a court can order the data to be corrected or destroyed, and in some cases compensation can be awarded.

Require that data is not used in any way that may potentially cause damage or distress.

Require that their data is not used for direct marketing

Purpose and aim of the policy

The purpose of this policy is to ensure the Trust applies appropriate measures to comply with the eight principles of the Data Protection Act 1998, summarised below. This will help the Trust meet its statutory requirements and mitigate against penalties imposed by the Act and enforced by the Information Commissioner's Office.

The Trust also wishes to ensure that the information it holds is both accurate and appropriate in order to facilitate good decision making.

Personal information (data relating to a living individual) –

The eight principles of the Data Protection Act are as follows:

- must be processed fairly and lawfully
- must be obtained for one or more specified and lawful purposes and only processed in a manner compatible with them

- must be adequate, relevant and not excessive for the purposes defined
- must be accurate and where necessary kept up to date
- shall not be kept for longer than is necessary
- must be processed in accordance with the data subject's rights
- must be kept secure
- must not be transferred outside the European Economic Area unless there is adequate protection for the rights of data subjects

Scope

This policy applies to all employees and all staff working in The Levels Academy (the Trust). This includes casual and agency workers, secondees and contractors and any other persons who supply goods or services to the Trust.

Policy statement

The Levels Academy regards the lawful and correct treatment of personal information as essential to successful operations and to maintaining the confidence of those with whom we deal. We will always do our utmost to ensure that our organisation treats personal information lawfully and correctly. To this end we fully endorse and adhere to the Principles of Data Protection as set out in the Data Protection Act 1998.

Information Sharing

There are two types of information sharing. The first involves two or more organisations sharing information between them. This could be done by giving access to each other's information systems or by setting up a separate shared database. This may lead to the specific disclosure of a limited amount of information on a one-off basis or the regular sharing of large amounts of information, for example bulk matching name and address information in two databases. The second involves the sharing of information between the various parts of a single organisation, for example between a local authority's various departments

Where the Trust intends to share personal information across services or with other agencies, the relevant service shall ensure that an Information Sharing Protocol is in place which will govern how information will be shared.

Roles and Responsibilities

It will be the responsibility of each Headteacher (or delegated advisor) to:

- ensure their compliance with the Data Protection Act and implement agreed work and training programmes for Data Protection
- ensure any specific responsibilities for Data Protection are recorded in role profiles
- ensure that staff receive appropriate Data Protection and information security training and that training is monitored
- ensure that any contractor, consultant, partner or other persons who are providing goods or services on behalf of The Levels Academy are made aware of their obligations under this policy
- monitor compliance with this policy

- It is everyone's responsibility to:
- understand and implement the eight Data Protection Principles
- Report any breaches of the Data Protection Act

All contractors, consultants, partners or other persons who provide goods or services on behalf of the Academy must:

Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the Trust, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act shall be a ground on which the Trust may terminate the contract with that individual, company, partner or firm;

Allow data protection audits by the Trust of data held on its behalf (if requested);

Indemnify the Trust against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation arising out of a breach by them of the Act. All contractors who are users of personal information supplied by the Trust will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the Trust.

Those who are affected by this policy document will have brought to their attention any additional guidance documents published concerning data protection compliance.

Breaches and non-compliance Any breaches may lead to disciplinary action being taken. Serious breaches of this policy by Trust employees may amount to gross misconduct and could result in dismissal.

Breaching the Data Protection Act could lead to fines of up to £500,000 being issued by the Information Commissioner's Office, and possible criminal or civil action being taken against the Academy or the individual(s) involved.

Legal requirements

The following legal documents have a bearing, or impinge on the rationale of this policy:

- Data Protection Act 1998
- Human Rights Act 1998
- Evaluation and review

Authority is delegated to the the Headteacher to undertake amendments of an administrative nature as are necessary, or to secure continuing compliance with the law

Glossary of Terms

Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the

intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

Processing, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including

- organisation, adaptation or alteration of the information or data,
- retrieval, consultation or use of the information or data,
- disclosure of the information or data by transmission, dissemination or otherwise making available, or
- alignment, combination, blocking, erasure or destruction of the information or data

Feedback and Complaints

We welcome any comments or suggestions you may have about thee policy. If you want to make any comments or if you require further assistance or wish to make a complaint then initially this should be addressed to The Headteacher.

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 Data Protection Act 1998 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
Website: www.informationcommissioner.gov.uk

