



ABINGDON
HOUSE SCHOOL

Data Protection Policy

Date: February 2024

Review Cycle: annual

Next Review Date: March 2025

In all AHSP Policies, unless the specific context requires otherwise, the word “parent” imports the meaning parent, guardian, carer or any other person in whom is vested the legal duties and responsibilities of a child’s primary caregiver.

If you require a copy of this document in large print, braille or audio format, please contact the AHSP Office Administrator.

AHSP employs the services of the following consulting companies to ensure compliance is met and best practice is implemented

Peninsula HR Online
Peninsula Business Safe (Health and Safety)
Care Check (DBS)
Educare (online CPD)

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Introduction

Abingdon House School, Purley (AHSP/ AHSPurley) is owned and operated by Cavendish Education; the Proprietary Body also known as the Governing Body. Any reference to Governors means any Director of Cavendish Education.

This Policy document is one of a series of AHSPurley's Policies that, taken together, are designed to form a comprehensive, formal Statement of AHSP's aspiration to provide an outstanding education for each and every one of its students and of the mechanisms and procedures being put into place to achieve this. Accordingly, this Policy needs to be read alongside all of these Policies in order to get the full picture and should be read in conjunction with the **Complaints Policy**, the **Equality Policy**, the **eSafety & Data Security Policy and Guidance for ICT Acceptable Use**, the **Health and Safety Policy**, the **Promoting BriAHSP Values Policy** and the **Safeguarding Children & Child Protection Policy** in particular. All of these Policies have been written, not simply to meet statutory and other requirements, but to evidence the work that the whole School is undertaking to ensure the implementation of its Core Principles:

Consideration

Collaboration

Integrity

Initiative

Resilience

Aspiration

Purpose of this Policy

This Policy seeks to:

- allow all school personnel their right to have access to their personal data;
- allow all parents their right to access to their child's records;
- protect the right of all school personnel to privacy in line with the Data Protection Act 1998;
- protect the right of all students to privacy in line with the Data Protection Act 1998; and
- work with other schools to share good practice in order to improve this Policy.

At AHSPurley, we believe that all personal data covered by the Data Protection Act 1998 includes the school admission register, attendance registers, students' curricular records, assessment data, class lists, reports to parents, students' disciplinary records, school personnel files, school financial information, school strategic and school improvement plans, recorded CCTV footage, students' family and home contact details, records of contractors and suppliers and records of students entering public examinations.

We will ensure that under the Data Protection Act 1998 all school personnel are able to access the personal data that is held about them. We believe it is our duty to respond to any request for access within 40 days.

On receipt of a written request, we will ensure a student's educational records are made available to their parents or carers within 15 school days.

We aim to fulfil our obligations under the Data Protection Act 1998 and to protect the right of school personnel and students to privacy in line with the Act.

We, as a school community, have a commitment to promote equality and we believe this Policy is in line with the Equality Act 2010.

We believe it is essential that this Policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this Policy.

Relevant legislation

The following legislation impacts this Policy :

- EC Convention on Human Rights and Fundamental Freedoms 1950
- Rehabilitation of Offenders Act 1974
- Access to Medical Records 1988
- Data Protection Directive 95/46/EC 1995
- Asylum and Immigration Act 1996
- Employment Rights Act 1996
- Data Protection Act 1998
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Freedom of Information Act 2000
- Regulation of Investigatory Powers Act 2000

- Telecommunications (Lawful Business Practice) Regulations 2000
- Protection of Freedoms Act 2012

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- the responsibility to comply with the legal requirements of the Data Protection Act 1998;
- the responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998;
- delegated powers and responsibilities to the Headteacher as 'Data Controller' for the school;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this Policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- responsibility as a governing body to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this Policy;
- responsibility for ensuring funding is in place to support this Policy;
- responsibility for ensuring this Policy and all Policies are maintained and updated regularly;
- responsibility for ensuring all Policies are made available to parents;
- responsibility for the effective implementation, monitoring and evaluation of this Policy;
- responsibility for corresponding regularly with the Headteacher and conducting school visits; and

Role of the Headteacher

The Headteacher will:

- act as 'Data Controller' for the school;
- ensure the school complies with the Data Protection Act 1998 and the eight data protection principles;
- ensure all data is processed fairly and lawfully;
- ensure security measures and confidential systems are in place to protect personal data and student records;
- ensure data is obtained for specific and lawful purposes;
- ensure data is adequate, relevant and not excessive;
- ensure all personal data is accurate and that inaccurate data is corrected or erased;
- ensure that at the beginning of every academic year all school personnel will receive a copy of their personal data;
- ensure procedures are in place to deal with requests for access to personal data;
- ensure data is not kept longer than is necessary;
- ensure school personnel are aware of their rights;
- ensure school personnel are aware of their responsibilities;
- ensure a student's educational records will be made available to their parents or carers on receipt of a written request within 15 school days;

- ensure a Common Transfer File is sent when a student joins another school;
- make effective use of relevant research and information to improve this Policy;
- work closely with the link governor;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this Policy; and
- annually report to the Governing Body on the success and development of this Policy.

Role of the Nominated Link Governor

The Nominated Governor will:

- work closely with the Headteacher and the Lead Administrator;
- ensure this Policy and other linked Policies are up-to-date;
- ensure that everyone connected with the School is aware of this Policy;
- attend training related to this Policy;
- report to the Governing Body every term; and
- annually report to the Governing Body on the success and development of this Policy

Role of School Personnel

School personnel will:

- comply with all aspects of this Policy;
- be aware of all other linked Policies;
- follow the safe and confidential system procedures that are in place to protect personal data and student records;
- check their personal data annually and will inform the Data Controller (or delegated proxy) of any mistakes;
- apply in writing for access to their personal data;
- comply and respect confidentiality of personal information at all times but especially when involved with interviewing new school personnel and potential students;
- provide accurate and up-to-date personal information;
- inform the school of any changes to their personal data;
- implement the school's Equality Policy;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality; and
- report any concerns they have on any aspect of the school community.

Data Protection Principles

Personal data must:

- be processed lawfully;
- be obtained and processed for specific and lawful purposes;
- be sufficient, appropriate and not excessive in relation to the precise purpose;
- be accurate and up-to-date;
- not be kept for a great length of time: unsuccessful employee applicants' data will be kept until the end of the following academic year, and employee records for 6 years after they have left the school;
- be processed in agreement with the individual's legal rights;
- be protected against unlawful processing, accidental loss, destruction or damage; and

- not be transferred outside the EU unless the rights and freedom of the individual is protected.

Security Measures

We work to ensure that all computers and servers comply with all current Government regulations and are secured with:

- anti-virus software;
- firewall software; and
- passwords

The AHSP eSafety and Data Security Guidance Policies for ICT Acceptable Use set out clear guidelines for the use of all information and communications technology (“ICT”) by staff and students.

All school personnel are trained to:

- be discreet and confidential;
- consider the safe and secure positioning of computers;
- back up data;
- turn off computers when not in use;
- remember password access;
- lock filing cabinets and doors to offices;
- shred confidential material; and
- clear their desk before they leave school

Disclosure of Data

Personal data cannot be disclosed to a third party without the consent of the individual except when it is legally required.

Requests for Access to Data

All requests from school personnel for access to their data must be made in writing on headed notepaper and sent to the Data Controller.

Rights of Individuals

Individuals have the right to:

- know when their data is being processed, the reason it is being processed and the name of the person or organisation requesting the information;
- prevent processing which could be harmful to them or others;
- prevent the processing of their performance management records;
- go to Court to prevent inaccurate data being used;
- be compensated if a Data Controller contravenes the Data Protection Act; and
- stop data being processed for direct marketing.

Individuals are not entitled to:

- copies of their references;
- information on pay reviews; and
- examination results until they have been released.

Grievance Procedure

Rights of school personnel

Any member of the school personnel who disputes any aspect of their personal data with the Data Controller has the right to take up the matter under the School's formal grievance procedures.

Rights of parents and students

A student's educational records will be made available to their parents on receipt of a written request within 15 school days.

Students may also request access (in writing) to their educational records.

Raising Awareness of this Policy

We will raise awareness of this Policy via:

- the School's website;
- the Staff Handbook; and
- the Staff Shared File.

When relevant, we will raise awareness of this Policy via:

- meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops;
- school events;
- meetings with school personnel;
- communications with home such as weekly newsletters and of end of half term newsletters;
- reports such as the annual report to parents and the Headteacher's reports to the Governing Body; and
- information displays in the main school entrance.

Training

All school personnel:

- have equal opportunities for training, career development and promotion;
- receive training on data protection through SchoolPro;
- receive periodic training so that they are kept up to date with new information; and
- receive equal opportunities' training on induction in order to improve their understanding of the Equality Act 2010 and its implications.