



ABINGDON  
HOUSE SCHOOL

# Data Protection Policy

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## Introduction

Abingdon House School, Purley (AHSP) is owned and operated by Cavendish Education.

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its students and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values.

While this current policy document may be referred to elsewhere in AHSP documentation, including particulars of employment, it is non-contractual.

In the school's policies, unless the specific context requires otherwise, the word "parent" is used in terms of Section 576 of the Education Act 1996 as updated, which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance Understanding and dealing with issues relating to parental responsibility updated August 2023 considers a 'parent' to include:

all biological parents, whether they are married or not

any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative

any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The school employs the services of, among others, the following consulting companies to ensure regulatory compliance and the implementation of best practice:

Peninsula BrightHR

Peninsula Health and Safety

Atlantic Data (DBS)

Educare (online CPD)

SchoolPro (data protection)

Marsh Commercial (insurance)

VWV (legal)

AHSP is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at AHSP.

The policy documents of AHSP are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect before the scheduled re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

### **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.

