**Mill Lane Community Primary School &**



**Windmill Community Nursery**

***Together we can succeed***

**Data Protection Policy**

This policy applies to Mill Lane Community Primary School and the attached Windmill Community Nursery as well as the extended services provision provided by Mill Lane.

Mill Lane Primary School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner’s Office (ICO) detailing the information held and its use. These details are then available on the ICO’s website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

**Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

**What is personal information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

**Responsibility for data protection**

The School has appointed the School Administrator as Data Protection Officer ("DPO") who will endeavour to ensure that all personal data is processed in compliance with this policy and the Act.

**Data protection principles**

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;

2. Personal data shall be obtained only for one or more specified and lawful purposes;

3. Personal data shall be adequate, relevant and not excessive;

4. Personal data shall be accurate and where necessary, kept up to date;

5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;

6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;

7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;

8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

**General statement**

The school is committed to maintaining the above principles at all times. Therefore the school will:

* Inform individuals why the information is being collected when it is collected
* Inform individuals when their information is shared, and why and with whom it was shared
* Check the quality and the accuracy of the information it holds
* Ensure that information is not retained for longer than is necessary
* Ensure that when obsolete information is destroyed that it is done so appropriately and securely
* Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
* Share information with others only when it is legally appropriate to do so
* Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
* Ensure our staff are aware of and understand our policies and procedures

**Types of personal data processed by the school**

The school may process a wide range of personal data about individuals including current, past and prospective pupils and their parents as part of its operation, including by way of example:

* names, addresses, telephone numbers, e-mail addresses and other contact details;
* car details (about those who use our car parking facilities);
* bank details and other financial information, e.g. about parents who pay fees to the School;
* past, present and prospective students' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
* where appropriate, information about individuals' health, and contact details for their next of kin;
* references given or received by the School about students, and information provided by previous educational establishments and/or other professionals or organisations working with students; and
* images of students (and occasionally other individuals) engaging in School activities.

**Complaints**

Complaints will be dealt with in accordance with the school’s complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

**Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

**Contacts**

If you have any enquiries in relation to this policy, please contact the headteacher, who will act as the contact point for any subject access requests.

**Appendix 1**

**Mill Lane Primary School & Windmill Community Nursery**

Procedures for responding to subject access requests made under the Data Protection Act 1998

**Rights of access to information**

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.

2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

**Actioning a subject access request**

1. Requests for information must be made in writing; which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to a child. Evidence of identity can be established by requesting production of:

• passport

• driving licence

• utility bills with the current address

• Birth / Marriage certificate

• P45/P60

• Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The school may make a charge for the provision of information, dependent upon the following:

• Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.

• Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.

• If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.

5. The response time for subject access requests, once officially received, is 40 days (not working or school days but calendar days, irrespective of school holiday periods). However the 40 days will not commence until after receipt of fees or clarification of information sought

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; therefore all information will be reviewed prior to disclosure.

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

**Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school’s complaint procedure.

Complaints which are not appropriate to be dealt with through the school’s complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

**Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher.

Further advice and information is available from the Information Commissioner’s Office, www.ico.gov.uk or telephone 01625 5457453

## Appendix 2: Privacy Notice – Data Protection Act 1998

We, Mill Lane community Primary School, are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

* + Support teaching and learning;
  + Monitor and report on your progress;
  + Provide appropriate pastoral care, and
  + Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information **1** and personal characteristics such as your ethnic group, special educational needs and any relevant medical information.

***We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.***

We are required by law to pass some of your information to the Local Authority and the Department for Education (DfE).

If you want to see a copy of the information we hold and share about you then please contact Miss Tineke van der Ploeg.

If you require more information about how Oxfordshire County Council and/or DfE store and use your information, then please contact Oxfordshire County Council or DfE as follows:

Data Protection Officer Performance and Information Team Children, Education and Families **Oxfordshire County Council**

County Hall New Road Oxford OX1 1ND

Website: <http://www.oxfordshire.gov.uk/cms/content/school-data-privacy-notice> email: [information.management@oxfordshire.gov.uk](mailto:information.management@oxfordshire.gov.uk)

Public Communications Unit Department for Education Sanctuary Buildings

Great Smith Street London

SW1P 3BT

Website: [www.education.gov.uk](http://www.education.gov.uk/) email: [info@education.gsi.gov.uk](mailto:info@education.gsi.gov.uk) Telephone: 0870 000 2288

*Attendance is not collected for pupils under 5 at Early Years Settings or Maintained Schools*

# Freedom of Information Publication Scheme

One of the aims of the Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public. To do this we must produce a publication scheme, setting out:

* + *The classes of information which we publish or intend to publish;*
  + *The manner in which the information will be published; and*
  + *Whether the information is available free of charge or on payment.*

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is currently available in paper form from the school office. Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

### Aims and Objectives

At Mill Lane Community Primary School, we aim to ‘nurture excellence’ through:

* + An inspiring curriculum that develops the unique talents of all of our children
  + Helping children learn about themselves and the world
  + Learning and growing together within the Christian story

and this publication scheme is a means of showing how we are pursuing these aims.

### Categories of information published

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future. This is split into categories of information known as ‘classes’. These are contained in section 6 of this scheme.

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

* + *School Prospectus* – information published in the school prospectus.
  + *Information relating to the governing body* – information published in other governing body documents.
  + *Pupils & Curriculum* – information about policies that relate to pupils and the school curriculum.
  + *School Policies and other information related to the school* - information about policies that relate to the school in general.

If you require a paper version of any of the documents within the scheme, please contact the school by telephone, email, fax or letter:

Mill Lane community Primary School, Mill Lane, Chinnor, Oxon, OX394RF

Telephone: 01844352106

Fax: 01844352106

Email: office.2465@mill-lane.oxon.sch.uk

To help us process your request quickly, please clearly mark any correspondence **PUBLICATION SCHEME REQUEST**. If the information you’re looking for isn’t available via the scheme, you can still contact the school to ask if we have it.

### Paying for information

Information published on our website is free, although you may incur costs from your Internet service provider. Single copies of information covered by this publication are provided free unless stated otherwise in section 6. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos, we will let you know the cost before fulfilling your request. Where there is a charge this will be indicated by a £ sign in the description box.

### Classes of information currently published

|  |  |
| --- | --- |
| **Document** | **Description** |
| **School Prospectus** | The statutory contents of the school prospectus are as follows (other items may be included in the prospectus at the school’s discretion):   * information about the implementation of the governing body’s policy on pupils with special educational needs (SEN) and any changes to the policy during the last year * a description of the arrangements for the admission of pupils with disabilities; details of steps to prevent   disabled pupils being treated less favourably than other pupils; details of existing facilities to assist access to the school by pupils with disabilities; the accessibility plan covering future policies for increasing access by those with disabilities to the school |

Information related to the Governing Body

|  |  |
| --- | --- |
| **Document** | **Description** |
| **Instrument of Government** | * The name of the school * The category of the school * The name of the governing body * The manner in which the governing body is constituted * The term of office of each category of governor if less than 4 years * The name of anybody entitled to appoint any category of governor * Details of any trust * If the school has a religious character, a description of the ethos * The date the instrument takes effect |
| **Minutes 1 of meeting of**  **the Governing Body and its committees** | Agreed minutes of meetings of the governing body and its committees *[current and last full academic school year]* |

Pupils and Curriculum Policies

|  |  |
| --- | --- |
| **Document** | **Description** |
| **Home – school agreement** | Statement of the school’s aims and values, the school’s responsibilities, the parental responsibilities and the school’s expectations of its pupils for example homework arrangements |
| **Curriculum Policy** | Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the school |
| **Sex Education Policy** | Statement of policy with regard to sex and relationship education |

*1 Some information might be confidential or otherwise exempt from the publication by law – we cannot therefore publish this*

|  |  |
| --- | --- |
| **Special Education Needs Policy** | Information about the school's policy on providing for pupils with special educational needs |
| **Accessibility Plans** | Plan for increasing participation of disabled pupils in the school’s curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled pupils |
| **Equality Policy** | Statement of policy for promoting equality for all minority groups |
| **Collective Worship** | Statement of arrangements for the required daily act of collective worship |
| **Child Protection Policy** | Statement of policy for safeguarding and promoting welfare of pupils at the school |
| **Behaviour Policy** | Statement of general principles on behaviour and discipline and of measures taken by the head teacher to prevent bullying |

Other information

|  |  |
| --- | --- |
| **Document** | **Description** |
| **Published reports of Ofsted referring expressly**  **to the school** | Published report of the last inspection of the school and, where appropriate, inspection reports of religious education in those schools designated as having a religious character |
| **Charging and Remissions Policies** | A statement of the school’s policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted, for example school publications, music tuition  and trips |
| **School session times and term dates** | Details of school session and dates of school terms and holidays |
| **Health and Safety Policy** | Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy |
| **Complaints procedure** | Statement of procedures for dealing with complaints |
| **Performance Management of Staff** | Statement of procedures adopted by the governing body relating to the performance management of staff and the annual report of the head teacher on the effectiveness of appraisal procedures |
| **Staff Conduct, Discipline and Grievance** | Statement of procedure for regulating conduct and discipline of school staff and procedures by which staff may seek redress for grievance |
| **Pay Policy** | Statement of the school’s policy regarding teachers’ pay including procedures for determining teachers’ grievances in relation to their pay |
| **Admissions Policy** | Statement of the school’s policy on admissions |

### Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or wish to make a complaint then initially this should be addressed to Tineke van der Ploeg, headteacher, using the contact details given above.

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 Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Telephone: 01625 545 700

Email: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk)

Website : [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk/)